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LEGISLATIVE HISTORY
Public Law 91-231
S. 3690

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INDEX AND SUMMARY OF S. 3690

- April 6, 1970 House received President's Message proposing pay increase. H. Doc. 91-298. Print of document.
- April 7, 1970 Senate committee reported S. 3690 (an original bill). S. Report No. 91-763. Print of report.
- April 8, 1970 Senate passed S. 3690 with amendments.
- April 9, 1970 House committee reported H. R. 16844 with amendments. H. Report No. 91-992. Print of bill and report.
- Rules Committee reported resolution for the consideration of H. R. 16844.
- House passed S. 3690 with amendments (substituting the language of H. R. 16844).
- Senate concurred in House amendments to S. 3690 with amendments of a technical nature.
- April 13, 1970 House Rules Committee reported resolution concurring in Senate amendments to House amendment to S. 3690.
- Objection was made to unanimous consent request.
- April 14, 1970 House agreed to H. Res. 909, providing for concurring in the Senate amendments to the House amendment to S. 3690.
- April 15, 1970 Approved: Public Law 91-231.

DIGEST of Congressional Proceedings

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF BUDGET AND FINANCE
(FOR INFORMATION ONLY;
NOT TO BE QUOTED OR CITED)

For actions of April 6, 1970
91st-2nd; No. 53

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HIGHLIGHTS: Senate agreed to House amendment with an amendment to international quarantine station bill. Sen. Hruska inserted Sen. Miller's speech on agriculture in the 1970's. Rep. Rosenthal inserted article deploring sale of infected poultry. Rep. Alexander said "crisis" facing American agriculture and inserted article.

HOUSE

1. **TRADE FAIRS.** The Foreign Affairs Committee reported with amendment H. R. 13171, to provide for Federal Government recognition of and participation in international expositions proposed to be held in the United States (H. Rept. No. 91-979). p. H2675
2. **ENVIRONMENT.** The Foreign Affairs Committee reported H. Res. 562, expressing the sense of the House of Representatives that the United States should actively participate in the 1972 United Nations Conference on Human Environment (H. Rept. No. 91-981). p. H2675

Rep. Saylor inserted Edward C. Crafts' speech, "Politics and the Environment." pp. H2665-9

3. POSTAL RATES; SALARIES. Received the President's message proposing a pay increase for Federal employees and postal reform (H. Doc. 91-298). pp. H2669-70
4. HOUSING. Rep. Patman said that the housing shortage will "descend to an even more disastrous level during 1970." pp. H2657-61

SENATE

5. LIVESTOCK IMPORTS. Agreed, with amendment, to House amendment to S. 2306, to establish an international quarantine station. The Senate amendment would make its provisions applicable to Guam as well as Puerto Rico and the Virgin Islands. pp. S5076-7
6. FARM PROGRAM. Sen. Hruska said that the efforts of Secretary Hardin and the Senate and House Agriculture Committees to "arrive at sound and supportable agreement on legislation deserve our attention and support", and inserted Sen. Miller's speech, "Surveying the 1970's", in agriculture. pp. S5128-30
7. TEXTILE IMPORTS. Sen. Javits inserted newspaper reports of official activity to "freeze" Japanese textile exports for the time being. pp. S5111-2
Sen. Hollings inserted his statement charging the President with failure to act to protect domestic textile interests and presented a S. C. resolution urging the President to regulate textile imports. p. S5125
8. APPROPRIATIONS. Received a letter from the Budget Bureau reporting that the appropriations for certain departments and agencies had been reapportioned on a basis which indicates the necessity for a supplemental estimate of appropriations; to Appropriations Committee. p. S5114
9. LUMBER SUPPLY. Sen. Hatfield stated that timber is the primary source of income for almost half of Oregon's population, and inserted an article, "Loggers in Oregon Feel Money Market Squeeze." pp. S5125-6

BILLS INTRODUCED

10. WOOL. H. R. 16742, by Rep. Burton, Utah, to extend the National Wool Act of 1954, as amended, for 3 years; to Agriculture Committee.
11. ENVIRONMENT; POLLUTION. H. R. 16747, by Rep. Long, Md., to amend the Federal Water Pollution Control Act to ban polyphosphates in detergents and to establish standards and programs to abate and control water pollution by synthetic detergents; to Public Works Committee.
S. 3677, by Sen. Muskie, et al, to establish an independent agency to coordinate the management of programs established to protect and enhance the quality of the environment through the control and abatement of air and water pollution, solid waste contamination, and through other related activities; to Government Operations Committee. Remarks of author pp. S5115-8
12. FORESTS; FEES AND CHARGES. H. R. 16756, by Rep. Ruppe, to provide for certain minimum payments to States from receipts derived from national forests located within such States; to Agriculture Committee.

PROPOSING A PAY INCREASE, ETC.

MESSAGE

FROM

THE PRESIDENT OF THE UNITED STATES

PROPOSING A PAY INCREASE FOR FEDERAL EMPLOYEES, REFORM
IN THE POSTAL SERVICE, AND A PAY-AS-YOU-GO REVENUE
PROGRAM

APRIL 6, 1970.—Referred to the Committee of the Whole House on the State
of the Union and ordered to be printed

To the Congress of the United States:

Yesterday, the government negotiated a settlement with its postal employees.

This settlement could not properly be made in isolation from the needs of all Federal employees. In dealing with the special needs of the postal workers, the government representatives took into account the context of the Federal government's relations with its entire work force.

It should be noted that this negotiation took place only after the postal work stoppages had ceased.

One who works as a government employee agrees not to strike. But, concomitantly, the government has an obligation to insure each of its employees fair treatment so long as each lives up to his or her obligations.

The government is committed by law to a pay policy of comparability; that is, pay levels should correspond to those in business and industry. The agreed-upon government-wide pay increase complies with this standard.

This Administration is committed to a policy of pay-as-you-go. I believe that we have an obligation to provide revenues to meet the increased expenditures involved in this settlement. This is only good business and it is insurance against inflation.

1. *I propose that the Congress enact a pay increase of 6% for all Federal employees, paid under statutory salary systems, including members of the armed forces, retroactive to the last pay period at the end of calendar 1969.*

2. At the same time, *I urge the Congress to take action to reform the postal service.* Had this action been taken earlier, the postal work stoppage would have been averted.

The Congress must recognize the need to modernize the postal system, to improve working conditions and to give employees and management an effective medium for bargaining.

The proposed postal reform will be worked out in an agreement between the postal unions and Department representatives. The settlement provides that this work will be completed by April 10. I feel confident that a reorganization can be agreed upon which will meet our mutual goals.

3. Immediately upon enactment of postal reform, the process of collective bargaining will begin. In recognition of improvements in postal operations, *the results of such bargaining will include an increase in wages of at least 8% in addition to the government-wide increase.*

4. It has also been agreed in negotiations this week that the inequities created by the need to wait 21 years to move from the entry to the top rate in a job classification should be removed by reducing this to an 8-year period.

Postal revenues.—To pay as we go for the postal salary increase and to eliminate the current postal deficit of about \$600 million, *I urge that the Congress raise first class postal rates to 10¢ for regular first class mail as soon as possible.* This increase will produce added revenues of approximately \$2.3 billion.

We are going to move to bring all rates except those for the blind and non-profit organizations to levels where they will cover at least their demonstrably related costs. As a first step under this policy we are proposing measures which will increase second and third class postal revenues \$120 million in FY 71.

An adjustment in the schedule of parcel post rates will also be sought to produce \$125 million in revenues. Government mail reimbursements will be increased by \$89 million.

In all, I am proposing added postal revenues by Congressional and administrative action of \$2.6 billion. These revenues are essential to meet the salary needs of postal workers, to wipe out the postal deficit, and to contribute to the efficiency of the postal system.

General revenues.—To pay for the 6% increase to all government workers, which will cost \$1.2 billion in fiscal 1970 and 1.3 billion additional over the \$1.2 billion already included in the fiscal 1971 budget, *I propose that the Congress consider further actions which will result in some modification of our 1971 budgetary program.* The 1970 additional outlays can be met from budgeted and surplus funds.

At the beginning of my Administration I made the basic decision that the Federal government must start to live within its means. The long inflation that began after 1965 had its roots in a string of unbalanced budgets capped by the \$25 billion deficit in FY 1968. To restore order in the economy the Federal government's first responsibility was to restore order in its own finances.

The tax program which I put before the Congress a year ago called for a balanced set of reforms, at the same time making provision for total revenues that would match the prospective outlays.

Prospective revenues for FY 1971 in the tax bill that finally reached my desk last December were more than \$3 billion below what my own recommendations a year ago would have provided. I expressed my grave misgivings about that revenue shortfall. I finally decided that, time having run out for the last session of the Congress, there was no alternative but to sign the bill and put before the Congress in my Budget Message a program of expenditures consistent with these reduced revenues.

That was done. It was an austere program. Important programs were sharply curtailed or entirely eliminated. A major omission was the overdue pay increases to Federal workers.

This tax bill has forced on the Federal government a level of wage outlays that is inconsistent with any reasonable estimate of wage level decisions in this session of the Congress.

Yet I cannot and will not participate in an excursion into fiscal irresponsibility. That would re-awaken skepticism about our determination to quell inflation, just when clear evidence of progress is in sight. And savings diverted into financing a deficit mean reduced funds and resources for housing, for State and local government projects, and for the capital formation essential to our on-going productivity and economic progress.

Therefore, I call upon the Congress and the Nation to face in future years the realities of our Federal budget. We must pay the bills for the wages that we vote. We must pay just wages in government. These involve more outlays than the revenues that last year's tax bill would produce.

I firmly believe that, given the facts, the American people will support the Congressmen with the courage to do what is right.

Putting the public interest first, it is right to build confidence in the integrity of the dollar, which we will do by redeeming our pledge of an anti-inflationary budget.

Putting the public interest first, it is right to insist on a course of economic stability that will lead to price stability, job stability, and a balanced use of our resources.

I propose the following additional revenue which will neither require extending the surtax nor raising income tax rates: The 1971 budget forecasts the collection of \$3.6 billion of estate and gift taxes in the coming fiscal year. *I propose to accelerate collection of these taxes, which would add an estimated \$1.5 billion in receipts in fiscal 1971.* As a result of the pay increases recommended in this message, I estimate that \$180 million per year will return to the government in personal income taxes.

The total of these added revenues to the fiscal 1971 budget would be about \$1.7 billion.

It will be recognized that this estate and gift tax acceleration will only provide additional revenue for one year. It will be necessary for the Congress to consider and adopt permanent revenue measures for FY 72 and following years to meet these additional wage outlays.

Within the next 10 days, legislation will be prepared to achieve

the recommended wage increases, the reorganization of the Post Office Department, the postal rate changes and the 1971 gift and estate tax revenue measures described.

I cannot stress too strongly my support of early adoption of all of these inter-dependent and necessary actions. Each will relate to and depend upon the others. I request the Congress to act upon all, at once, to afford deserving employees an equitable pay adjustment, to provide badly needed reorganization to our postal service and to adopt the proposed pay-as-you-go revenue program to support these needed changes.

RICHARD NIXON.

THE WHITE HOUSE, *April 3, 1970.*

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families and those who pollute and befoul. Then perhaps when they are running this country, they will make peace with nature and reparations for damage.

A Gallup Poll shows that half of us believe we are spending too little on environment and most would cut defense spending to find the cash. But if not wholly at the expense of defense, what then?

Only 22 percent are willing to increase family expenses by as much as \$200 per year to save the environment. Obviously, those questioned were not thinking in terms of survival. Only 14 percent are willing to pay \$2 more per month on electric bills to reduce air and water pollution.

Too often, environmental impacts from apparently unrelated actions are not identified. New York City recently raised its bus and subway fares 50 percent. How many more commuter cars will this force into the already congested bumper-to-bumper traffic of smoggy Manhattan? One offset is to raise bridge and tunnel tolls and to charge for empty seats in cars entering Manhattan Island. A better solution might be free rapid transit at public expense in major metropolitan areas to reduce gasoline pollution. This makes as much sense as free public schools. Reforming attitudes and innovative approaches to the public business are absolutely essential.

POLITICS THE KEY

Statesmanship is a better word than politics. But it is clear that on national and over-riding issues, such as the environment, leadership must come from the Congress, the Executive, and the State Houses. If one doesn't lead the other must.

This is no partisan issue and the fact that different parties control the Executive and Legislative should be of no moment. Neither can duck their sobering responsibility for both sides of the equation—population stability and environmental management.

There is much we need to learn; but to say research and science hold the key to environmental quality is nonsense. Such a statement reflects either gross misunderstanding or deliberate intent to befog and confuse.

How much is enough is the real question, meaning how far do we dare push our environment downhill in order to enjoy the fruits of technological knowledge, and can we detect the point-of-no-return far enough ahead to not go over the brink of a snowballing irreversibility? It all comes down finally to a judgment balance between what technology can supply and what biology can stand. As the President said, the wonders of science must be turned to the service of man. This is why politicians and other policy officials in all walks become the ultimate key rather than scientists and engineers.

Population and material affluence are over-drawing our natural resources and despoiling the environment. It may take a killing heat inversion along the eastern megalopolis, or some other catastrophe to shake up this Nation sufficiently to take action. Unfortunately, Americans usually react after crises rather than before.

Right now everyone is joining the environmental bandwagon. There is a plethora of pieties, messages, commissions, hearings, reports and recommendations. The issue lends itself to words, eyewash, government reshuffling, research and rhetoric.

Let us view these with skepticism. Let us watch for massive Federal and State expenditures to clean up the air and water, for corporations absorbing an important share of the social costs, for crack-downs on the major industrial polluters, for enforcement of existing laws and regulations, for real revision of National priorities, and for willingness to make personal sacrifice.

At this point, the people are ahead of the politicians who are being slowed up by pri-

vate interests, jealous committees of the Congress, and the fiefdom bureaucracy of both Congress and the Executive.

The issue should be hotter on Capitol Hill and in the White House than civil rights, poverty, housing, hunger, inflation, or crime.

To paraphrase one commentator, when survival of the species is at stake, there can be no differentiation between Republican and Democrat, black and white, rich and poor, young and old.

Finally, as a reminder to yourself, may you bear forever in the recesses of your mind and on your conscience the recent words of Charles Lindbergh:

"I had become alarmed about the effects our civilization was having on continents and islands my military missions took me over—the slashed forests, the eroded mountains, the disappearing wilderness and wildlife. I believed some of the policies we were following to insure our near-future strength and survival were likely to lead to our distant-future weakness and destruction. Also I was tired of windowless briefing rooms, Pentagon corridors and the drabness of standardized air bases. I wanted to regain contact with the mystery and beauty of nature.

"After millions of years of successful evolution, human life is now deteriorating genetically and environmentally at an alarming and exponential rate. Basically, we seem to be retrograding rather than evolving. We have only to look about us to verify this fact: to see megalopolization cities, the breakdown of nature, the pollution of air, water and earth; to see crime, vice and dissatisfaction webbing like a cancer across the surface of our world.

"We know that tens of thousands of years ago, man departed from both the hazards and the security of instinct's natural selection, and that his intellectual reactions have become too powerful to permit him ever to return.

"That is why I have turned my attention from technological progress to life, from the civilized to the wild. In wildness there is a lens to the past, to the present and to the future, offered to us for the looking—a direction, a successful selection, an awareness of values that confronts us with the need for and the means of our salvation. Let us never forget that wildness has developed life, including the human species. By comparison, our own accomplishments are trivial."

FEDERAL EMPLOYEES' PAY INCREASE AND POSTAL REFORM—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 91-298)

The SPEAKER laid before the House the following message from the President of the United States; which was read, referred to the Committee of the Whole House on the State of the Union, and ordered to be printed:

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RICHARD NIXON.

THE WHITE HOUSE, April 3, 1970.

TELEGRAM TO SECRETARY OF NAVY FROM CONGRESSMAN DON EDWARDS OF CALIFORNIA

(Mr. EDWARDS of California asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. EDWARDS of California. Mr. Speaker, I am sending today a telegram to the Secretary of the Navy, with a copy to Secretary of Defense Laird and Secretary of State Rogers. The telegram will say this:

At a time when the totalitarian and unconstitutional military regime in Greece is becoming even more repressive—witness the unconscionable arrest and imprisonment of editors who called for democracy and the courtmartial of 34 men and women from the political center, among them some of the most creative and distinguished citizens of Athens—it is an outrage that the US Chief of Naval Operations should have as his house guest this week a representative of that cruel regime. Such moral and political insensitivity damages the reputation of our military and the reputation of our nation. I trust that you, the Secretary of the Navy, appreciate the serious erosion of US prestige in Greece and in Europe as a result of the long series of explicit and implicit gestures of approval of the

Greek junta made by high ranking American officers.

This is the latest and one of the most serious of such unfortunate gestures. And it cries out desperately for your attention.

[Mr. CRAMER addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

PRESIDENT NIXON AND THE VETERANS' ADMINISTRATION HAVE TAKEN A GIANT STEP IN MEETING THE CHALLENGE OF THE SEVENTIES

The SPEAKER pro tempore (Mr. ROGERS of Florida). Under a previous order of the House the gentleman from California (Mr. TEAGUE) is recognized for 5 minutes.

Mr. TEAGUE of California. Mr. Speaker, President Nixon and the Veterans' Administration have taken a giant step in meeting the challenge of the seventies for our 27 million veterans.

President Nixon announced an increase of \$50 million in the VA's medical care budget for fiscal year 1971—boosting to \$210 million more for this vital service to veterans than was contained in the 1970 budget. When the President announced the increase, he had this to say about his charge to the Administrator of VA, Donald E. Johnson:

When I appointed Donald E. Johnson to be Administrator of Veterans' Affairs last June, I directed him to make a thorough review of the veterans medical care program; to identify the problems, analyze the causes, take such immediate corrective steps as appropriate, and recommend a total medical care program appropriate for future needs. He has completed that review, and today he reported his findings.

I am pleased that the Administrator and his new management team have taken a number of immediate administrative steps to improve the quality of the veterans medical care program. However, his review shows that additional funds are required immediately if the VA is to meet its obligations to veterans requiring medical attention.

Mr. Speaker, when the President's new team at VA took over, it found that a number of programs throughout the 166 hospital system were being curtailed because of a shortage of funds. Despite the fund shortage, by careful use of available moneys, it was still able to provide excellent medical care for veterans.

The Administrator's review of the VA medical program, as well as the survey of VA hospitals accomplished by the House Committee on Veterans' Affairs, have contributed to pinpointing the critical problems that have been developing for several years in the Veterans' Administration hospital system. The President and the Administrator have now taken steps to alleviate the situation.

The long-standing problem was intensified, Mr. Speaker, when a 1968 law required the VA to reduce its staff to the mid-1966 level, thus depriving the VA's medical care programs of several thousand workers.

Last year the President and Administrator took action to help correct the situation, by authorizing 1,500 more VA employees immediately, more than 80

DIGEST of Congressional Proceedings

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF BUDGET AND FINANCE
(FOR INFORMATION ONLY;
NOT TO BE QUOTED OR CITED)

For actions of April 7, 1970
91st-2nd; No. 54

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HIGHLIGHTS: Senate committee reported pay bill. Senate passed land utilization bill.
Senate committee reported housing bill. Sen. Scott praised "fine work" of SCS.
House passed surplus dairy products bill.

HOUSE

1. DAIRY PRODUCTS. Passed under suspension of the rules S. 2595, to give nonprofit school lunch programs priority in the use of certain surplus dairy products. This bill will now be sent to the President. H. R. 12588, a similar bill, was indefinitely postponed due to the passage of S. 2595. pp. H2682-3
2. CLAIMS. Passed under suspension of the rules S. 980, to provide courts of the U. S. with jurisdiction over contract claims against nonappropriated fund activities of the U. S. pp. H2680-3

3. CONSERVATION. The Merchant Marine and Fisheries subcommittee on Fish and Wildlife approved H. R. 15770, the proposed water bank bill. p. D322
4. CIVIL SERVICE. Both Houses received the annual report of the Civil Service Commission for 1969 (H. Doc. 91-238). pp. H2677, S5195
5. EDUCATION. Agreed, 312 to 58, to the conference report on H. R. 514, to extend programs of assistance for elementary and secondary education. This bill will now be sent to the President. pp. H2685-700
6. APPROPRIATIONS. Received from the Budget Bureau a report listing appropriations that have been apportioned on a basis which indicates a necessity for supplemental estimates of appropriations to permit pay increases granted pursuant to law; to Appropriations Committee. p. H2731
Received from the President proposed amendments to the requests for appropriations transmitted in the budget for fiscal year 1971, to implement pollution abatement objectives (H. Doc. No. 91-300); to Appropriations Committee.
7. AUDITING; CCC. Received from GAO a report on the examination of financial statements of the Commodity Credit Corporation for the fiscal year ended June 30, 1969 (H. Doc. No. 91-301); to Government Operations Committee. p. H2731
8. COFFEE. Both Houses received from the Secretary of State a draft of proposed legislation to continue until the close of September 30, 1973, the International Coffee Agreement Act of 1968; to Senate Foreign Relations and House Ways and Means Committees. pp. H2731, S5162

SENATE

9. FISH, WILDLIFE, RECREATION, MARKETING ORDERS, PAPAYAS. Passed with committee amendments S. 3598 to authorize Federal assistance for fish, wildlife, and recreation. pp. S5151-52
Passed with committee amendment S. 2484 authorizing marketing agreements with respect to Hawaiian papayas. pp. S5152-53
10. SALARIES. The Committee on Post Office and Civil Service reported S. 3690, Federal Employees Salary Act, 1970 (S. Rept. No. 91-763). p. S5163
11. HOUSING. The Committee on Banking & Currency reported an original bill S. 3685 "Emergency Home Finance Act of 1970" (S. Rept. No. 91-761). p. S5163
12. SCS. Sen. Scott lauded the work of SCS in Pennsylvania and inserted a summary of agency activities. pp. S5199-5200
13. ENVIRONMENT. Sen. Mondale spoke on the detrimental aspects of electric power production and inserted two articles suggesting new forms of power generation. pp. S5208-09
14. FHA, RURAL DEVELOPMENT. Sen. Metcalf submitted the petition of the Legislature of Idaho urging Congress to make additional appropriation for the Farmers Home Administration. pp. S5162-63

FEDERAL PAY LEGISLATION

APRIL 7, 1970.—Ordered to be printed

Mr. McGEE, from the Committee on Post Office and Civil Service,
submitted the following

REPORT

[To accompany S. 3690]

The Committee on Post Office and Civil Service, reported the following original bill (S. 3690) to increase the pay of Federal employees and recommends that the bill do pass.

PURPOSE

This legislation will provide 6-percent across-the-board increases for the salaries of Federal employees who are paid under statutory salary systems (the postal field service, the general schedule of the classified civil service, the Department of Medicine and Surgery in the Veterans' Administration and the Foreign Service) and employees paid under other salary systems, except wage board employees in the legislative, executive, and judicial branches of the Government. The 6-percent increase will also apply to military personnel under the provisions of section 8(a) of the act of December 16, 1967 (Public Law 90-207; 80 Stat. 625).

JUSTIFICATION

This legislation fulfills the Federal salary comparability provisions of the Salary Reform Act of 1962 (Public Law 87-793; 76 Stat. 841) adjusting the wages of Federal employees to levels generally comparable with the private sector of the economy as determined by the Bureau of Labor Statistics in its annual survey, last conducted in 1969. The pay is made retroactive to the first day of the first pay period which began on or after December 27, 1969, in order to reduce the timelag between the ascertainment of the Bureau of Labor Statistics survey of actual wages being paid in the private sector of the economy and the effective date of Federal salary adjustments.

In public hearings before the Senate Post Office and Civil Service Committee on April 6, 1970, Postmaster General Winton M. Blount testified that he, as Postmaster General and as a spokesman for the present administration, supported the enactment of this legislation without any reservations or stipulations that it be related in any manner to the enactment of any postal reform legislation or any postal revenue legislation.

Speaking in behalf of the Bureau of the Budget, Mr. Roger W. Jones, Assistant Director of the Bureau, testified that the administration supported enactment of this legislation.

LEGISLATIVE EMPLOYEES

The committee has applied the 6-percent retroactive pay increase to employees of the House of Representatives and the Senate. In December 1969, the committee did not recommend an increase for such employees, but the passage of time and the committee's unanimous conviction that it is fair and equitable to authorize pay increases for congressional employees when salaries for more than 5 million other Federal employees are increased has caused the committee to reverse the decision it made last December and recommend comparable pay adjustments for employees of the House and Senate.

DISTRICT OF COLUMBIA JUDGES

The committee has provided pay increases for the District of Columbia judges of the Court of General Sessions, the Court of Appeals, and the Tax Court in accordance with the provisions of S. 3180, which unanimously passed the Senate on November 26, 1969.

The committee has also provided for an increase in the aggregate amount of money available for the payment of staff salaries for former Presidents of the United States, from \$80,000 to \$96,000 a year. This reflects an increase equal to the average percentage increase in the general schedule which has occurred since the last adjustment of their salaries in 1967.

COSTS

The total current payroll of the Federal Government for civilian and military employees subject to this legislation is about \$42.4 billion. The cost of the 6-percent pay increase retroactive to December 27, 1969, will be approximately \$1.2 billion for fiscal year 1970, and \$2.5 billion for the full fiscal year 1971 and thereafter. Of that amount, approximately \$1.3 billion is attributable to civilian pay adjustments and \$1.2 billion to military pay adjustments.

The cost of salary adjustments for the staff of former Presidents of the United States (Presidents Truman and Johnson) is \$32,000 a year.

The costs of pay adjustments for employees of the House of Representatives and the Senate is \$6.8 million a year, and is included in the overall estimate of \$2.5 billion.

CHANGES IN EXISTING LAW

In compliance with subsection 4 of rule XXIX of the Standing Rules of the Senate, changes in existing law made by the bill as reported are shown as follows (existing law in which no change is proposed is shown in roman; existing law proposed to be omitted is enclosed in black brackets; new matter is shown in italic):

SECTION 1(b) OF THE ACT OF AUGUST 25, 1958

* * * * *

(b) The Administrator of General Services shall, without regard to the civil service and classification laws, provide for each former President an office staff. Persons employed under this subsection shall be selected by the former President and shall be responsible only to him for the performance of their duties. Each former President shall fix basic rates of compensation for persons employed for him under this paragraph which in the aggregate shall not exceed **[\$80,000]** *\$96,000* per annum. The annual rate of compensation payable to any such person shall not exceed the highest annual rate of basic pay now or hereafter provided by law for positions at level II of the Executive Schedule under section 5313 of title 5, United States Code.

Section 11-702 of the District of Columbia Code

(a) The District of Columbia Court of Appeals shall consist of a chief judge and five associate judges appointed by the President of the United States, by and with the advice and consent of the Senate.

(b) A person may not be appointed as a judge of the court unless he:

(1) is a bona fide resident of the area consisting of the District of Columbia, Montgomery, and Prince Georges Counties in Maryland, Arlington, and Fairfax Counties in Virginia, and the city of Alexandria, Virginia, and has maintained an actual place of abode in the area for at least 5 years prior to his appointment; and

(2) has been actively engaged in the practice of law in the District of Columbia for a period of at least 5 years immediately prior to his appointment.

(c) Each judge shall be appointed or reappointed for a term of 10 years, which terms shall be staggered as heretofore provided for; and he shall continue in office until the appointment and qualification of his successor.

(d) The chief judge shall receive an annual salary of **[\$29,000]** *\$38,500*, and each associate judge shall receive an annual salary of **[\$28,500]** *\$38,000*.

Section 11-902 of the District of Columbia Code

(a) The District of Columbia Court of General Sessions shall consist of a chief judge and 22 associate judges appointed by the President of the United States, by and with the advice and consent of the Senate.

(b) A person may not be appointed as a judge of the court unless he:

(1) is a bona fide resident of the area consisting of the District of Columbia, Montgomery and Prince Georges Counties in Mary-

land, Arlington and Fairfax Counties in Virginia, and the city of Alexandria, Virginia, and has maintained an actual place of abode in the area for at least 5 years prior to his appointment; and

(2) has been a member of the bar of the District of Columbia for a period of at least 5 years, and, for a period of at least 5 consecutive years immediately prior to his appointment, either has been actively engaged in the practice of law or has been employed as an attorney in the District in the Government of the United States or in the government of the District of Columbia.

(c) Each judge shall be appointed or reappointed for a term of 10 years each, which terms shall be staggered as heretofore provided for; and he shall continue in office until the appointment and qualification of his successor.

(d) The chief judge shall receive an annual salary of **[\$28,000]** \$37,500, and each associate judge shall receive an annual salary of **[\$27,500]** \$37,000.

Section 47-2402 of the District of Columbia Code

The Commissioners shall appoint a board of one person, subject to removal by the Commissioners, to be called the Board of Tax Appeals for the District of Columbia, which person shall be a citizen of the United States. Such person shall be appointed for the term of 10 years, except such appointment as may be made for the remainder of an unexpired term. Any vacancy caused by death, resignation, or otherwise shall be filled by the Commissioners only for an unexpired term. Such person shall be eligible for reappointment. Such person shall be an attorney and in active practice of law for at least 10 years next preceding his appointment.

The salary of such person so appointed shall be **[\$27,500]** \$37,000 per annum. The commissioners are authorized to employ such other personal services as may be necessary to carry out the provisions of this chapter and to provide for the expenses of the board. The salaries of employees other than the Board shall be fixed in accordance with section 305, chapter 51, subchapter III of chapter 53, and sections 5341, 4342, 5509, and 7154 of title 5, United States Code (relating to the classification of Government employees and related matters), but such employees shall be appointed without regard to civil service requirements. The Commissioners shall include in their annual estimates such amounts as may be required for the salaries and expenses herein authorized.



Calendar No. 767

91ST CONGRESS
2D SESSION

S. 3690

[Report No. 91-763]

IN THE SENATE OF THE UNITED STATES

APRIL 7, 1970

Mr. McGEE, from the Committee on Post Office and Civil Service, reported the following bill; which was read twice and ordered to be placed on the calendar

A BILL

To increase the pay of Federal employees.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That this Act may be cited as the "Federal Employees Salary
4 Act of 1970".

5 SEC. 2. (a) (1) The President shall increase the rates
6 of basic pay, basic compensation, and salaries (as such rates
7 were increased by Executive Order Numbered 11474, dated
8 June 16, 1969) contained in the schedules listed in para-
9 graph (2) of this subsection by amounts equal, as nearly as
10 may be practicable and with regard to maintaining approxi-
11 mately equal increments within any grade, level, or class of
12 any such schedule, to 6 percent.

1 (2) The schedules referred to in paragraph (1) of this
2 subsection are as follows: the General Schedule contained in
3 section 5332 (a) of title 5, United States Code; the Postal
4 Field Service Schedule and the Rural Carrier Schedule
5 contained in sections 3542 (a) and 3543 (a), respectively,
6 of title 39, United States Code; the schedules relating to
7 certain positions within the Department of Medicine and
8 Surgery of the Veterans' Administration and contained in
9 section 4107 of title 38, United States Code; and the Foreign
10 Service schedules contained in sections 412 and 415 of the
11 Foreign Service Act of 1946.

12 (b) Rates of basic pay, basic compensation, and salaries
13 of officers and employees paid under the schedules referred to
14 in subsection (a) of this section shall be increased initially
15 under conversion rules and rules for the payment of retro-
16 active compensation prescribed by the President or by such
17 agency as the President may designate.

18 (c) The increases made by the President under this sec-
19 tion shall have the force and effect of law and shall be printed
20 (1) in the Statutes at Large in the same volume as public
21 laws, (2) the Federal Register, and (3) the Code of Federal
22 Regulations.

23 SEC. 3. The rates of pay of personnel in effect on
24 the date of enactment of this Act, which rates of pay were
25 adjusted under the third sentence of section 212 of the Fed-

1 eral Salary Act of 1967, and any minimum or maximum
2 rate, limitation, or allowance applicable to any such person-
3 nel, shall be increased by amounts which are equal, insofar
4 as practicable and under such rules as may be necessary
5 to provide for the payment of retroactive pay and with such
6 exceptions and modifications as may be necessary to provide
7 for appropriate relationships between positions, to 6 percent
8 by the following authorities:

9 (1) the President pro tempore of the Senate, with
10 respect to the Senate;

11 (2) the Speaker of the House of Representatives,
12 with respect to the House of Representatives;

13 (3) the Architect of the Capitol, with respect to the
14 Office of the Architect of the Capitol;

15 (4) the Director of the Administrative Office of
16 the United States Courts, with respect to the judicial
17 branch of the Government; and

18 (5) the Secretary of Agriculture, with respect to
19 persons employed by the county committees established
20 pursuant to section 8 (b) of the Soil Conservation and
21 Domestic Allotment Act (16 U.S.C. 590 (b)).

22 Such increases shall be made in such manner as the appro-
23 priate authority concerned deems advisable and shall have
24 the force and effect of law.

25 SEC. 4. (a) An increase in pay, compensation, or

1 salary which becomes effective under this Act is not an
2 equivalent increase in pay within the meaning of section
3 5335 of title 5, United States Code, or section 3552 of title
4 39, United States Code.

5 (b) Nothing in this Act shall impair any authority pur-
6 suant to which rates of pay, compensation, or salary may be
7 fixed by administrative action.

8 (c) Notwithstanding any other provision of this Act—

9 (1) any officer or employee of the United States
10 Government receiving pay, compensation, or salary
11 which is less than the basic pay for level V of the Execu-
12 tive Schedule in section 5316 of title 5, United States
13 Code, in effect on the date of enactment of this Act, shall
14 not have his pay, compensation, or salary increased, by
15 reason of the enactment of this Act, to a rate in excess of
16 the basic pay for such level V; and

17 (2) any officer or employee of the United States
18 Government receiving pay, compensation, or salary
19 equal to or in excess of the basic pay for such level V
20 shall not have his pay, compensation, or salary in-
21 creased.

22 SEC. 5. (a) Retroactive pay, compensation, or salary
23 shall be paid by reason of this Act only in the case of an
24 individual in the service of the United States (including
25 service in the Armed Forces of the United States) or the

1 municipal government of the District of Columbia on the date
2 of enactment of this Act, except that such retroactive pay,
3 compensation, or salary shall be paid—

4 (1) to an officer or employee who retired, during the
5 period beginning on the first day of the first pay period
6 which began on or after December 27, 1969, and ending
7 on the date of enactment of this Act, for services rendered
8 during such period; and

9 (2) in accordance with subchapter VIII of chapter
10 55 of title 5, United States Code, relating to settlement
11 of accounts, for services rendered, during the period
12 beginning on the first day of the first pay period which
13 began on or after December 27, 1969, and ending on
14 the date of enactment of this Act, by an officer or em-
15 ployee who died during such period.

16 Such retroactive pay, compensation, or salary shall not be
17 considered as basic pay for the purposes of subchapter III
18 of chapter 83 of title 5, United States Code, relating to
19 civil service retirement, or any other retirement law or re-
20 tirement system, in the case of any such retired or deceased
21 officer or employee.

22 (b) For the purposes of this section, service in the
23 Armed Forces of the United States, in the case of an indi-
24 vidual relieved from training and service in the Armed

1 Forces of the United States or discharged from hospitaliza-
2 tion following such training and service, shall include the
3 period provided by law for the mandatory restoration of
4 such individual to a position in or under the United States
5 Government or the municipal government of the District of
6 Columbia.

7 SEC. 6. (a) Section 11-702 (d) of the District of Co-
8 lumbia Code is amended by striking out "\$29,000" and
9 "\$28,500" and inserting in lieu thereof "\$38,500" and
10 "\$38,000", respectively.

11 (b) Section 11-902 (d) of the District of Columbia
12 Code is amended by striking out "\$28,000" and "\$27,500"
13 and inserting in lieu thereof "\$37,500" and "\$37,000",
14 respectively.

15 (c) The first sentence of the second paragraph of section
16 2 of the District of Columbia Revenue Act of 1937, as
17 amended (D.C. Code, sec. 47-2402), is amended by strik-
18 ing out "\$27,500" and inserting in lieu thereof "\$37,000".

19 SEC. 7. The third sentence of subsection (b) of the first
20 section of the Act of August 25, 1958, as amended (3 U.S.C.
21 102 note), is amended by striking out "\$80,000" and in-
22 serting in lieu thereof "\$96,000".

23 SEC. 8. (a) The provisions of this Act (other than sec-
24 tion 7) shall be effective as of December 27, 1969. The
25 rate of pay, compensation, or salary of an officer or em-

1 ployee which is increased under this Act (other than under
2 such section) shall be increased as of the first day of the
3 first pay period for that officer or employee which com-
4 mences on or after December 27, 1969.

5 (b) For purposes of determining the amount of insur-
6 ance for which an individual is eligible under chapter 87
7 of title 5, United States Code, relating to group life insur-
8 ance for Government employees, all changes in rates of pay,
9 compensation, and salary which result from the enactment
10 of this Act shall be held and considered to become effective
11 as of the date of such enactment.

12 (c) Any deduction to be made as the result of the enact-
13 ment of this Act from the pay, compensation, or salary of
14 an officer or employee enrolled in a retirement system of the
15 United States Government, and the contribution of the agency
16 employing the officer or employee, shall be made at the rates
17 of deductions and contributions in effect for that system on
18 the date of such enactment.

DIGEST of Congressional Proceedings

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF BUDGET AND FINANCE
(FOR INFORMATION ONLY;
NOT TO BE QUOTED OR CITED)

For actions of April 8, 1970
91st-2nd; No. 55

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HIGHLIGHTS: Senate passed pay bill.

HOUSE

1. RECLAMATION. The Interior and Insular Affairs Committee reported with amendments H. R. 780, the Merlin division, Rogue River Basin project, Oreg. (H. Report No. 91-986); H. R. 9854, the East Greenacres unit, Rathdrum Prairie project, Idaho, with amendments, (H. Report No. 91-987). p. H2770
The Public Works Committee reported with amendments H. R. 15207, to provide for a modification of the project for Denison Dam, Red River, Tex. and Okla. (H. Report No. 91-989). p. H2770

OFFICIAL BUSINESS
WASHINGTON, D.C.

UNITED STATES DEPARTMENT OF AGRICULTURE
20250

POSTAGE AND FEES PAID
U.S. DEPARTMENT OF AGRICULTURE

2. SUGAR. Rep. O'Neill, Mass., objected to SBA's entering into a lease guarantee commitment to the Old Dominion Sugar Corporation for the erection of a new cane sugar refinery in Portsmouth, Va. p. H2757
3. EMPLOYMENT. Rep. Pepper inserted a copy of the proposed Full Opportunity Act as it was approved by Sen. Mondale's subcommittee. pp. H2764-6
4. AIR POLLUTION. Received from HEW the annual report on the prevention and control of air pollution at Federal facilities; to Interstate and Foreign Commerce Committee. p. H2770
5. LEGISLATIVE PROGRAM. Rep. Albert announced that the House will consider S. 3690, the pay bill, today, April 9. p. H2756-7

SENATE

6. FEDERAL PAY. Passed S. 3690, the proposed Federal Employees Salary Act of 1970, with amendments of a technical nature; the bill now goes to the House for further action. pp. ~~S5319~~, S5332-50
7. MEAT INSPECTION. ^{Subcommittee on} Sen. Jordan announced that the Agriculture and Forestry Committee, Agricultural Production, Marketing, and Stabilization of Prices, will hold hearings on April 16 to consider meat inspection bills S. 3512, S. 3592, and S. 3603. p. S5359
8. APPROPRIATIONS. Received letters from the Acting Director, BOB, stating that Dept. of Labor appropriations for Trade Adjustment Activities and Grants to States for Unemployment Compensation had been apportioned on a basis to indicate necessity for supplemental appropriations. p. S5353
9. SOIL CONSERVATION. Sen. Mondale hailed the achievements of the agricultural conservation program and the fine cooperation of the ASCS committees at the state level, and inserted charts and literature favorable to the continuation of the ACP. pp. S5388-92
10. CONSERVATION. Sen. Jackson noted that every member of the Interior and Insular Affairs Committee had joined in sponsoring S. 3505, to amend the Land and Water Conservation Fund to provide a budget of \$300 million, and he urged expeditious enactment of this legislation. p. S5379
Sen. Hollings urged the creation of an independent National Oceanic and Atmospheric Agency and inserted an address, "The Politics of the Ocean", which states the case for development and protection of the oceans as a source of human survival. pp. S5392-5
11. ENVIRONMENT; HIGHWAYS. Sen. Dole sided with Secretary Volpe in urging the stopping of "freeways that adversely affect our environment" and he inserted a newspaper article which discusses the pros and cons of highway construction. pp. S5376-7
Sen. Mathias inserted a newspaper report which details the extent of water and air pollution in Europe, noting that the destruction of the environment is not limited to the U. S. pp. S5377-9

ents which together offer advantages in treating the municipality's sewage under most of the conditions encountered. Some conditions require practice of one combination of patents, other conditions require another combination. Since all the patents relate to a single ultimate purpose, namely, the treatment of sewage, and since it was not possible to separate the patents as to importance, the license agreement calls for payment of royalties until the last-to-expire of the licensed patents.

There are two central aspects to the licensing of a group or "package" of patents of special interest here. The first is the legality of the package license; the second is the validity of an agreement that states a single royalty for use of any one or more of the licensed patents, such royalty to continue so long as any of the licensed patents are alive.

The owner of a valuable patent is theoretically in a position to coerce a potential licensee into accepting a license under other patents of lesser or no value. It has been held that a party who *seeks or voluntarily* accepts a package license does not thereby impose antitrust or patent misuse liability on the patent owner.^{31, 33} But where the patent owner insists that the license include more patents than the licensee wants, and the patents cover more than a single product, the courts have held the package to constitute an illegal tying arrangement.³⁴ Where a single product is involved, a mandatory package may be permissible,³⁵ although ultimately this question will depend on whether tying arrangements are held to be *per se* violations of the antitrust laws or subject to a rule of reason.³⁶ Fairly clear and objective criteria have thus been spelled out for determining the legality of a package license.

But the second aspect of package licensing is more troublesome. Given the judicial approval for *voluntary* package licensing and the business realities leading to the practice, it would follow that a royalty established during negotiations contemplates the value of the *total package* and carries no implication of the value of the individual patents. In fact, particularly in a situation like that of Municipality G exemplified above, it is manifestly impossible to assign such values. Moreover, in many cases, the patents cover alternate ways of doing the same thing, or features that are mutually exclusive and cannot be used together in a single product.

The problem of royalties does not become acute until some of the patents in the package begin to expire. At that time, assuming the licensee is still practicing under one or more of the patents in the original package, should the royalty be reduced as each patent expires? If so, by how much? If not, is the licensor guilty of extending the monopoly of the expired patents?

The division of the inventions between the various licensed patents, where all relate to the same product or product line or process, is often for the administrative convenience of the Patent Office. And the initial royalty and license are based on the totality of the subject matter to which the licensee desired access. It would therefore seem reasonable in such instances to permit royalty payments to continue so long as any patent in the original package that is being used remains unexpired.

The courts are in conflict. In the Tenth Circuit the practice of permitting royalties to continue has been approved,³⁷ as it was earlier by the Supreme Court.³⁸ But in the Third and Sixth Circuits the same practice has been held a patent misuse.^{34, 38}

The pragmatic effect of the diversity of opinions in the courts leaves the patent owner defenseless against the prospective licensee who negotiates a royalty for a group

of patents when he really wants access to only one. After negotiating for the package, he then asks for a license under a single patent and insists on a *pro rata* reduction in royalty under pain of a charge of misuse or illegal tying.

If the parties are unable or disinclined to agree to a royalty breakdown at the inception of the license, absent a package based on coercion, and if at least one significant patent is still alive and being practiced, the full royalty should continue as agreed upon. Needless and expensive litigation could be avoided by statutory acknowledgement of this practical resolution of the problem.

7. Royalty payment after expiration of patent

Patent owner H licenses a small, capable company under an important patent. It was anticipated at the negotiations that fairly substantial sums would have to be invested by the licensee to develop the product for market. Accordingly, no initial payment was required by H, but royalties were set at a compensating level. The product was duly developed and marketed, with success. However, unforeseen events caused a financial crisis in the company, and it was unable to maintain its royalty commitments. H agreed to accept payment of *back* royalties over a period of years, which extended beyond expiration of the patent. All royalties were based solely on activities under the patent before it expired.

A 1964 Supreme Court decision in *Brulotte v. Thys Co.* held that a license requiring payment of royalties after expiration of the last-to-expire of a group of licensed patents was an attempt at projecting the patent monopoly and hence a misuse.³⁹ Uneasiness with the arrangement exemplified above stems from the allegation in *Brulotte* that payments were simply being spread over an extended period. The Court, however, found "intrinsic evidence" that post-expiration payments were for post-expiration activities. There can be little dispute that the court reached the proper conclusion on its interpretation of the facts.

A patent owner should be free to negotiate the best royalty terms he can get, so long as the royalties are tied to activities taking place *during the life of the patent*. If the licensee under the patent is unable to carry the royalty burden, payments based on use of the patent during its life should be permitted to extend over whatever period the parties agree is tolerable, even though the payments continue after the patent expires.

While the Supreme Court did not expressly rule out installment payment of royalty, the *Brulotte* case has been interpreted by some to mean that any payment of royalties beyond the patent's expiration would be a misuse. Whether through inadvertence or by design, the Court has left doubt in the minds of many as to the legality of post-expiration installment payments. This question could be settled by legislative approval of post-expiration payment of royalties accrued during the life of the licensed patents.

RESOLUTION OF THE PATENT-ANTITRUST "CONFLICT"

Reference was earlier made to the dual nature of the innovation the patent system is intended to provide. The elements of innovation were seen to be (1) the incentive to invent (or invest in invention), and (2) the ability to market. This duality rests on the premise that a patent has done less than its job if it is not put to work—either by the patent owner or his licensee.

Too often the apparent conflict between the patent and antitrust concepts is resolved by examining whether striking down the patent owner's licensing arrangements would impair the operation of the incentive to *invent*. Professor Donald F. Turner, former Assistant Attorney General, has made precisely this point when he contends that "antitrust does not retard technological prog-

ress."⁴⁰ As a result, the impact of antitrust on the patent system is only measured by its impact on one of the two essential ingredients of innovation.

Certainly there could be an extreme reached in antitrust enforcement where the incentive to *invent* would be clearly affected. But before that point, the innovation fostered by the patent system could be severely impaired through unduly limiting the right of the patent owner to secure the ability to market his invention by licensing his patent.

The need for legislative rapprochement between patents and antitrust was advanced in 1966 by President Johnson's Commission on the Patent System. In its report, an integrated analysis of the entire patent statute was presented and recommendations made for change.⁴⁰ Despite its primary mission to examine the state of the patent laws, the Commission saw the problems facing the patent owner in a menacing antitrust climate and presented the following as its Recommendation XXII:

The licensable nature of the rights granted by a patent should be clarified by specifically stating in the patent statute that: (1) applications for patents, patents, or any interests therein may be licensed *in the whole, or in any specified part of, the field of use* to which the subject matter of the claims of the patent are directly applicable, and (2) a patent owner shall not be deemed guilty of patent misuse merely because he agreed to a contractual provision of imposed a condition on a licensee, which has (a) a *direct relation* to the disclosure and claims of the patent, and (b) the performance of which is *reasonable under the circumstances* to secure to the patent owner the full benefit of his invention and patent grant. This recommendation is intended to make clear that the "rule of reason" shall constitute the guidelines for determining patent misuse. (Emphasis added.)

It must be noted, however, that this well-reasoned approach by the President's Commission, while conceptually sound, is not without difficulty. It was earlier pointed out that patents, by statute, have the "attributes of personal property." As such, the terms of disposition of patent property, where the terms are in and of themselves legal, should at least carry a *presumption* of reasonableness. But a "rule of reason" would place the patent owner at the procedural disadvantage of first having to *prove* the reasonableness of his license provisions if they were ever challenged. The concept of reasonableness would more fairly be embodied in a "rule of presumptive reasonableness," under which the burden of proving unreasonableness would fall where it belongs on the party asserting it.

Nevertheless, the Commission demonstrated an underlying appreciation of the patent owner's plight. This is further evident from another observation in the Commission's report. After noting that it did not favor weakening enforcement of the antitrust laws, it noted:

However, uncertainty exists as to the precise nature of the patent right and there is no clear definition of the patent misuse rule. *This has produced confusion in the public mind and a reluctance by patent owners and others to enter into contracts or other arrangements pertaining to patents or related licenses.* (Emphasis added.)

Whether patents will remain a healthy force for progress or become a vestigial appendage depends in large measure on what patent owners are entitled to do with them. This Memorandum does not contend for the legitimation by statute of practices heretofore generally condemned under antitrust. It does, however, urge resistance to the insistent efforts of the Department of Justice and a tendency in some courts to extend the interdiction of antitrust to practices clearly within the patent grant.

Footnotes at end of article.

Patents, and matters involving patents, have no constant advocate as does antitrust. The Antitrust Division of the Department of Justice is heard in the courts, where it initiates litigation or submits briefs, and in business, to which it announces areas of patent licensing that will be the subject of future challenge.

In the absence of a counter-force on behalf of the patent system, the recourse of those determined to preserve the patent incentive in its total concept, so inextricably bound to the right to license, is to seek legislation upholding the practices that need support against the unbridled club and clout of antitrust.

FOOTNOTES

¹ Article I, Section 8.

The Congress shall have power . . . To promote the progress of science and useful arts by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries.

² *Motion Pictures Patent Co. v. Universal Film Mfg. Co.*, 243 U.S. 502 (1917). See also elaboration of theory in *Morton Salt Co. v. Suppiger*, 314 U.S. 488 (1942).

³ *Sherman Act, Section 1* (15 U.S.C. 1): Contracts, combinations or conspiracies in restraint of interstate or foreign trade or commerce are illegal. *Sherman Act, Section 2* (15 U.S.C. 2): Persons who monopolize, or attempt to monopolize, or conspire to monopolize any part of interstate or foreign trade or commerce are guilty of a misdemeanor, (subjecting them to criminal sanctions). *Clayton Act, Section 3* (15 U.S.C. 14): It is unlawful to sell or lease commodities, whether patented or unpatented, on condition that the purchaser or lessee will not deal in the products of the seller's or lessee's competitors where the effect may be to substantially lessen competition or tend to create a monopoly. *Clayton Act, Section 7* (15 U.S.C. 18): No corporation can acquire the stock or assets (generally interpreted as including patents and interests in patents) of another corporation where the effect may be to substantially lessen competition or tend to create a monopoly. *Federal Trade Commission Act* (15 U.S.C. 41 et seq.): Federal Trade Commission can issue cease and desist orders against unfair methods of competition and against violations of Sections 3 and 7 of Clayton Act but so far has taken little action in matters involving patents.

⁴ *The Wall Street Journal* (Midwest Edition), January 7, 1970, page 16.

⁵ Assistant Attorney General Richard W. McLaren, *Patent Licenses and Antitrust Considerations*. Address before The Patent, Trademark and Copyright Research Institute of The George Washington University (June 5, 1969), 161 U.S.P.Q. No. 11, p. II.

⁶ *Allied Research Products, Inc. v. Heatbath Corp.*, 161 U.S.P.Q. 527, 530 (N.D. Ill. 1969).

⁷ *Clayton Act, Section 4*. 15 U.S.C. 15.

⁸ *Peelers Co. v. Wendt*, 260 F.Supp. 193 (W.D. Wash. 1966); *La Peyre v. Federal Trade Commission*, 366 F. 2d 117 (5th Cir. 1966); *Laitram Corp. v. King Crab, Inc.*, 245 F.Supp. 1019 (D. Ct. Alaska 1965).

⁹ Antitrust and Trade Regulation Report, No. 411, Special Supplement, Part II, May 27, 1969: *White House Task Force Report on Antitrust Policy*, page 22.

¹⁰ 35 U.S.C. 261.

¹¹ *McCullough v. Kammerer Corp.*, 166 F. 2d 759 (9th Cir. 1948).

¹² *United States v. Krasnov*, 143 F.Supp. 184 (E.D. Pa. 1956), affirmed 355 U.S. 5 (1957).

¹³ T. L. Bowes: *Forum Contribution*. Idea 12:1129 (1968-9).

¹⁴ Bruce B. Wilson, Special Assistant to the Assistant Attorney General, *Patents and Antitrust: The Legitimate Bounds of the Lawful Monopoly*. Address before The Patent Law Association of Pittsburgh, November 19, 1969.

¹⁵ *White Motor Co. v. United States*, 372 U.S. 253 (1963).

¹⁶ Raymond C. Nordhaus and Edward F. Jurow: *Patent-Antitrust Law*, at 265. Jural Publishing Co. (1961, Supp. 1968); *The Ansul Co. et al. v. Uniroyal, Inc.*, 163 U.S.P.Q. 517 (N.D. N.Y. 1969).

¹⁷ *General Talking Pictures Corp. v. Western Electric Co.*, 305 U.S. 124 (1938).

¹⁸ H. Thomas Anstern: *Fish Traps, Indians, and Patents: The Antitrust Validity of Patent License Restrictions on Sales Price, Field of Use, Quantity, and Territory*. U. of Pittsburgh Law Rev. 28:181, 188 (1966).

¹⁹ J. G. Jackson and E. L. Jackson: *Use Limitations in Patent Licenses*. Idea 12:657 (1968-9).

²⁰ *Report of the President's Commission on the Patent System*, U.S. Government Printing Office (1966).

²¹ Senator McClellan's statement accompanying introduction of S.2756. Congressional Record, August 1, 1969, page S. 8952.

²² *Supra* Note 9 at 4.

²³ *Supra* Note 9 at 26.

²⁴ *Supra* Note 9 at 27.

²⁵ *Bela Seating Co., Inc. v. Poloron Products, Inc.*, 160 U.S.P.Q. 646 (N.D. Ill. 1968).

²⁶ *American Photocopy Equipment Co. v. Rovico, Inc.*, 148 U.S.P.Q. 631 (7th Cir. 1966).

²⁷ *American Photocopy Equipment Co. v. Rovico, Inc.*, 257 F. Supp. 192 (N.D. Ill. 1966); affirmed, 384 F. 2d 813 (7th Cir. 1967).

²⁸ *United States v. General Electric Co.*, 272 U.S. 476, 489 (1926).

²⁹ *Brulotte v. Thys Co.*, 370 U.S. 29 (1964); 143 U.S.P.Q. 264, 266 (1964).

³⁰ *Stearns et al. v. Tinker and Razor et al.*, 116 U.S.P.Q. 222, 235 (9th Cir. 1957).

³¹ *Zenith Radio Corp. v. Hazeltine Research, Inc.*, 89 S. Ct. 1562 (1969); 161 U.S.P.Q. 577.

³² *Supra* Note 16 at 183.

³³ *Automatic Radio Mfg. Co. v. Hazeltine Research, Inc.*, 339 U.S. 827 (1950).

³⁴ *American Security Co. v. Shatterproof Glass Corp.*, 268 F. 2d 769 (3rd Cir. 1959), cert. denied, 361 U.S. 902.

³⁵ *International Mfg. Co. v. Landon, Inc.*, 336 F. 723 (9th Cir. 1964).

³⁶ *Northern Pacific Railroad Co. v. United States*, 356 U.S. 1 (1958).

³⁷ *Well Surveys, Inc. v. Perfo-Log, Inc.*, 396 F. 2d 15 (10th Cir. 1968), cert. denied, 393 U.S. 951; *McCullough Tool Co. v. Well Surveys, Inc.*, 343 F. 2d 381 (10th Cir. 1965), cert. denied, 383 U.S. 933.

³⁸ *Rocform Corp. v. Acitelli-Standard Concrete Wall, Inc.*, 367 F. 2d 678 (6th Cir. 1966).

³⁹ Donald F. Turner: *Patents, Antitrust and Innovation*. Univ. of Pittsburgh Law Rev. 28:151 (1966). See also Gerald Kadish: *Patents and Antitrust: Guides and Caveats*. Idea 13:83 (1969).

FEDERAL PAY LEGISLATION

The Senate continued with the consideration of the bill (S. 3690) to increase the pay of Federal employees.

Mr. McGEE. Mr. President, I send to the desk a series of amendments to the bill to provide for purely technical correction as reported. I ask unanimous consent that these perfecting amendments be agreed to.

The PRESIDING OFFICER. The amendments will be stated.

The assistant legislative clerk read as follows:

On page 2, lines 15 and 16, strike out "and rules for the payment of retroactive compensation".

On page 2, line 20, strike out "(1) in" and insert in lieu thereof "in (1)".

On page 2, between lines 22 and 23, insert the following new subsection:

"(d) (1) Notwithstanding section 3679 of the Revised Statutes, as amended (31 U.S.C. 665), the rates of pay of officers and employees of the United States Government and of the municipal government of the District of Columbia whose rates of pay are fixed by administrative action pursuant to law and are not otherwise increased by this section are hereby authorized to be increased by the agencies employing such officers and employees by amounts not to exceed the increases provided by this section for corresponding rates of pay in the appropriate schedule or scale of pay.

"(2) Nothing contained in this section shall be held or considered to authorize any increase in the rates of pay of officers and employees whose rates of pay are fixed and adjusted from time to time as nearly as is consistent with the public interest in accordance with prevailing rates or practices."

On page 3, line 21, insert "h" before "(b)".

On page 4, line 1, after "under", insert "section 2(a) of".

The PRESIDING OFFICER. Is there objection to the request of the Senator from Wyoming? The Chair hears none, and the amendments are agreed to.

Mr. McGEE. Mr. President, I ask unanimous consent that there be printed at this point in the RECORD a series of pay schedules reflecting the increases made by this bill and the various statutory system.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

GENERAL SCHEDULE—ANNUAL RATES AND STEPS

[6 percent increase effective Jan. 1, 1970]

Grade	1	2	3	4	5	6	7	8	9	10
GS-1	\$4,125	\$4,262	\$4,399	\$4,536	\$4,673	\$4,810	\$4,947	\$5,084	\$5,221	\$5,358
GS-2	4,621	4,775	4,929	5,083	5,237	5,391	5,545	5,699	5,853	6,007
GS-3	5,212	5,386	5,560	5,734	5,908	6,082	6,256	6,430	6,604	6,778
GS-4	5,853	6,048	6,243	6,438	6,633	6,828	7,023	7,218	7,413	7,608
GS-5	6,548	6,766	6,984	7,202	7,420	7,638	7,856	8,074	8,292	8,510
GS-6	7,294	7,537	7,780	8,023	8,266	8,509	8,752	8,995	9,238	9,481
GS-7	8,098	8,368	8,638	8,908	9,178	9,448	9,718	9,988	10,258	10,528
GS-8	8,956	9,255	9,554	9,853	10,152	10,451	10,750	11,049	11,348	11,647
GS-9	9,881	10,210	10,539	10,868	11,197	11,526	11,855	12,184	12,513	12,842
GS-10	10,869	11,231	11,593	11,955	12,317	12,679	13,041	13,403	13,765	14,127
GS-11	11,905	12,302	12,699	13,096	13,493	13,890	14,287	14,684	15,081	15,478
GS-12	14,192	14,665	15,138	15,611	16,084	16,557	17,030	17,503	17,976	18,449
GS-13	16,760	17,319	17,878	18,437	18,996	19,555	20,114	20,673	21,232	21,791
GS-14	19,643	20,298	20,953	21,608	22,263	22,918	23,573	24,228	24,883	25,538
GS-15	22,885	23,648	24,411	25,174	25,937	26,700	27,463	28,226	28,989	29,752
GS-16	26,547	27,432	28,317	29,202	30,087	30,972	31,857	32,742	33,627	34,512
GS-17	30,714	31,738	32,762	33,786	34,810					
GS-18	35,505									

POSTAL FIELD SERVICE SCHEDULE

[6 percent increase effective Jan. 1, 1970]

	1	2	3	4	5	6	7	8	9	10	11	12
PFS-1	\$4,794	\$4,954	\$5,114	\$5,274	\$5,434	\$5,594	\$5,754	\$5,914	\$6,074	\$6,234	\$6,394	\$6,554
PFS-2	5,182	5,355	5,528	5,701	5,874	6,047	6,220	6,393	6,566	6,739	6,912	7,085
PFS-3	5,602	5,789	5,976	6,163	6,350	6,537	6,724	6,911	7,098	7,285	7,472	7,659
PFS-4	6,056	6,258	6,460	6,662	6,864	7,066	7,258	7,470	7,672	7,874	8,076	8,278
PFS-5	6,548	6,766	6,984	7,202	7,420	7,638	7,856	8,074	8,292	8,510	8,728	8,946
PFS-6	7,077	7,313	7,549	7,785	8,021	8,257	8,493	8,729	8,965	9,201	9,437	9,673
PFS-7	7,650	7,905	8,160	8,415	8,670	8,925	9,180	9,435	9,690	9,945	10,200	10,455
PFS-8	8,269	8,545	8,821	9,097	9,373	9,649	9,925	10,201	10,477	10,753	11,029	
PFS-9	8,940	9,238	9,536	9,834	10,131	10,430	10,728	11,026	11,324	11,622		
PFS-10	9,645	9,967	10,289	10,611	10,933	11,255	11,577	11,899	12,221	12,543		
PFS-11	10,717	11,074	11,431	11,788	12,145	12,502	12,859	13,216	13,573	13,930		
PFS-12	11,905	12,302	12,699	13,096	13,493	13,890	14,287	14,684	15,081	15,478		
PFS-13	13,227	13,668	14,109	14,550	14,991	15,432	15,873	16,314	16,755	17,196		
PFS-14	14,695	15,185	15,675	16,165	16,655	17,145	17,635	18,125	18,615	19,105		
PFS-15	16,328	16,872	17,416	17,960	18,504	19,048	19,592	20,136	20,680	21,224		
PFS-16	18,138	18,743	19,348	19,953	20,558	21,163	21,768	22,373	22,978	23,583		
PFS-17	20,152	20,824	21,496	22,168	22,840	23,512	24,184	24,856	25,528	26,200		
PFS-18	22,390	23,136	23,882	24,628	25,374	26,120	26,866	27,612	28,358	29,104		
PFS-19	24,875	25,704	26,533	27,362	28,191	29,020	29,849	30,678	31,507	32,336		
PFS-20	27,636	28,557	29,478	30,399	31,320	32,241	33,162	34,083				
PFS-21	30,714	31,738	32,762	33,786	34,810							

RURAL CARRIER SCHEDULE

(6-percent increase effective Jan. 1, 1970)

	1	2	3	4	5	6	7	8	9	10	11	12
Fixed compensation	\$2,978	\$3,136	\$3,294	\$3,452	\$3,610	\$3,768	\$3,916	\$4,084	\$4,242	\$4,400	\$4,558	\$4,716
For each mile up to 30 miles of route	109	111	113	115	117	119	121	123	125	127	129	131
For each mile of route over 30	25	25	25	25	25	25	25	25	25	25	25	25

VETERANS' ADMINISTRATION, DEPARTMENT OF MEDICINE AND SURGERY SCHEDULES

[6 percent increase effective Jan. 1, 1970]

	1	2	3	4	5	6	7	8	9	10
Physicians and dentists:										
Assistant chief medical director	\$35,505									
Medical director	30,714	\$31,738	\$32,762	\$33,786	\$34,810					
Director grade	26,547	27,432	28,317	29,202	30,087	\$30,972	\$31,857	\$32,742	\$33,627	\$34,512
Executive grade	24,671	25,493	26,315	27,137	27,959	28,781	29,603	30,425	31,247	32,069
Chief grade	22,885	23,648	24,411	25,174	25,937	26,700	27,463	28,226	28,989	29,752
Senior grade	19,643	20,298	20,953	21,608	22,263	22,918	23,573	24,228	24,883	25,538
Intermediate grade	16,760	17,319	17,878	18,437	18,996	19,555	20,114	20,673	21,232	21,791
Full grade	14,192	14,665	15,138	15,611	16,084	16,557	17,030	17,503	17,976	18,449
Associate grade	11,905	12,302	12,699	13,096	13,493	13,890	14,287	14,684	15,081	15,478
Nurses:										
Director of nursing	22,885	23,648	24,411	25,174	25,937	26,700	27,463	28,226	28,989	29,752
Assistant director grade	19,643	20,298	20,953	21,608	22,263	22,918	23,573	24,228	24,883	25,538
Chief grade	16,760	17,319	17,878	18,437	18,996	19,555	20,114	20,673	21,232	21,791
Senior grade	14,192	14,665	15,138	15,611	16,084	16,557	17,030	17,503	17,976	18,449
Intermediate grade	11,905	12,302	12,699	13,096	13,493	13,890	14,287	14,684	15,081	15,478
Full grade	9,881	10,210	10,539	10,868	11,197	11,526	11,855	12,184	12,513	12,842
Associate grade	8,519	8,803	9,087	9,371	9,655	9,939	10,223	10,507	10,791	11,075
Junior grade	7,294	7,537	7,780	8,023	8,266	8,509	8,752	8,995	9,238	9,481

FOREIGN SERVICE SCHEDULE

[6 percent increase effective Jan. 1, 1970]

	1	2	3	4	5	6	7	8	9	10
FSO-1	\$33,609	\$34,729	\$35,505							
FSO-2	26,358	27,237	28,116	\$28,995	\$29,874	\$30,753	\$31,632			
FSO-3	20,888	21,584	22,280	22,976	23,672	24,368	25,064			
FSO-4	16,760	17,319	17,878	18,437	18,996	19,555	20,114			
FSO-5	13,618	14,072	14,526	14,980	15,434	15,888	16,342			
FSO-6	11,245	11,620	11,995	12,370	12,745	13,120	13,495			
FSO-7	9,450	9,765	10,080	10,395	10,710	11,025	11,340			
FSO-8	8,098	8,368	8,638	8,908	9,178	9,448				
FSS-1	20,888	21,584	22,280	22,976	23,672	24,368	25,064	\$25,760	\$26,456	\$27,152
FSS-2	16,760	17,319	17,878	18,437	18,996	19,555	20,114	20,673	21,232	21,791
FSS-3	13,618	14,072	14,526	14,980	15,434	15,888	16,342	16,796	17,250	17,704
FSS-4	11,245	11,620	11,995	12,370	12,745	13,120	13,495	13,870	14,245	14,620
FSS-5	10,088	10,424	10,760	11,096	11,432	11,768	12,104	12,440	12,776	13,112
FSS-6	9,045	9,347	9,649	9,951	10,253	10,555	10,857	11,159	11,461	11,763
FSS-7	8,115	8,385	8,655	8,925	9,195	9,465	9,735	10,005	10,275	10,545
FSS-8	7,276	7,519	7,762	8,005	8,248	8,491	8,734	8,977	9,220	9,463
FSS-9	6,525	6,743	6,961	7,179	7,397	7,615	7,833	8,051	8,269	8,487
FSS-10	5,853	6,048	6,243	6,438	6,633	6,828	7,023	7,218	7,413	7,608

Mr. McGEE. Mr. President, it does not seem necessary to dwell at great length on this bill. All of us have been living with it—the circumstances that produce its requirements and the details that are embodied in its language.

To put it very quickly and to the point, this is a clear, unencumbered 6 percent pay increase retroactive to last December 27, 1969.

In the terminology of negotiations by the administration and the postal unions during the recent impasse over postal matters, the 6 percent would apply to all Federal employees, not just the postal employees alone.

The Senate will recall that during the critical days of the crisis, the Senate and the House conferees laid down two criteria.

Those two criteria sent to the negotiators were first, that any pay adjustment must be across the board in the retroactive sense for all Federal classified as well as postal employees, and second, that it be made retroactive to not later than January 1, 1970.

These two conditions were followed and this bill reflects the sense of the Senate Post Office and Civil Service Committee which voted unanimously on these terms.

We held a 1-day hearing on the terms to make sure that we did not misunderstand each other, either downtown, in the Post Office, with the negotiating unions, or here in the Senate of the United States.

Postmaster General Blount, and the Assistant Director of the Bureau of the Budget both confirmed that there are no strings attached to the bill. It is not tied to postal reorganization or any other factor with respect to postal legislation.

There are no conditions with respect to its financing tied to any subsequent legislation. Both spokesmen for the administration made it very clear that the funds necessary for the paying of the retroactive 6 percent would be obtained from existing funds, first, by taking \$1.2 billion out of the surplus currently scheduled in the budget report of the President and, second, by stepping up the scheduled collection for gift, estate, and inheritance taxes.

The President is satisfied that this will be sufficient to cover this segment of the increase.

Mr. President, I stress again that this is tied no way to anything down the road ahead of us in regard to postal reorganization. That is completely separate.

We are waiting now for recommendations of the President. But those are yet to come.

There is no relevance between those and this particular settlement.

In this context, the Senate committee added three provisions to the bill that were not negotiated or negotiable really by the negotiators themselves.

One of these clues into the formula the legislative employees on both sides of the Hill.

The reason for that was that we felt that even though they were left out at Christmas time, the sheer cost of living increases require that it is certainly warranted now.

This addition of the Hill employees increases the price tag by \$6.8 million. That is \$6.8 million in a total bill that the President tells us will cost \$2.5 billion for a full fiscal year.

Thus, we felt in the light of the sweep of this measure that it would be a serious mistake and a great inequity to leave out the legislative employees here on Capitol Hill.

The second inclusion in the bill is to correct an oversight for staff employees of living ex-Presidents, former President Lyndon Johnson and former President Harry Truman.

The cost of correcting this oversight is \$16,000 in each case.

It is not retroactive. It simply corrects the law from this date. It means that a former President, for his five employees, will now get \$96,000 a year rather than \$80,000 a year.

The last category that we have added to the bill, and we did this after carefully weighing the judgment of the Senate in an earlier act, is to add the judges of the District of Columbia courts to the new pay scale that was intended to be theirs a year ago.

Again, through error they were inadvertently omitted from the original 1967 pay authorization. We debated this at great length in this body. I think my friend from Virginia was one of those discussing its implications at that time as well as the distinguished Senator from Ohio (Mr. Young).

In any case, because it was passed by

the Senate unanimously at that time, and there is now a bill in the House of Representatives. But, we felt it was the better to restore these district judges to the intent of the Senate's action, in 1967, and this is included in the bill.

Those are the three additions to the bill that the committee voted on, without a single dissenting vote on any issue. It was the unanimous conviction of all that the time for this action was long overdue.

We likewise were mindful of a kind of sense of urgency here because of the strains of the recent impact on the Nation's workfront. Therefore, this committee moved expeditiously and with dispatch in an attempt to arrive at what in its judgment is a very sound, fair, and equitable retroactive pay adjustment measure.

Mr. BYRD of Virginia and Mr. FONG addressed the Chair.

Mr. McGEE. Mr. President, I yield briefly to the Senator from Virginia and then I shall yield to the Senator from Hawaii.

The PRESIDING OFFICER (Mr. SCHWEIKER). The Senator from Virginia is recognized.

Mr. BYRD of Virginia. I thank the Senator. My question is purely for information. I have received mail from time to time asking what benefits ex-Presidents receive. I judge from the Senator's comment a moment ago that each ex-President is permitted five employees and that under the new bill the total compensation will be \$96,000.

Mr. McGEE. \$96,000.

Mr. BYRD of Virginia. I am wondering what other benefits, if any, former Presidents receive.

Mr. McGEE. I cannot answer that question completely at this time. They get a \$25,000 pension. They have an office. I cannot go beyond that which is in our jurisdiction in this case, and that is the clerk-hire funds, which take care of a former President. I am sure he gets other allowances but I am not fully aware as to the substance of all of those allowances.

Mr. FONG. Mr. President, I rise to support S. 3690, a bill to increase the pay of Federal employees. At the outset I would like to commend the distinguished senior Senator from Wyoming for the prompt reporting of this bill to

the Senate and for his leadership in seeing that our Federal employees receive fair compensation for work given to the Federal Government.

I would like also to associate myself with the very fine remarks made by the distinguished Senator on the bill.

The Senate will recall that on December 12 of last year it passed a Federal pay bill, H.R. 13000, that would have brought Federal employee salaries up to comparability in two stages—the first stage with a maximum of 4 percent for lower-salaried employees effective January 1, 1970 and the second stage, coming on July 1, 1970. Unfortunately, that bill has languished in a House-Senate conference ever since Senate passage.

Today, with the administration's strongest endorsement, we are asking the Senate to consider another pay bill in lieu of H.R. 13000. I sincerely believe this new bill is much fairer to all Federal employees.

The basic provisions of S. 3690 were agreed to last week by administration and postal employee representatives. It provides a 6 percent across-the-board salary increase for Federal employees paid under all of the statutory salary systems—namely, postal field service, the general schedule of classified civil service, the Department of Medicine and Surgery in the Veterans' Administration and the Foreign Service. It also includes employees paid under other salary systems except wage board employees in the legislative, executive, and judicial branches of the Government. The 6 percent increase would also apply to military personnel under provisions of Public Law 90-207.

Affected by this bill will be approximately 2.1 million Federal civilian employees. Also, because of the provision in Public Law 90-607 all of the 3.2 million military personnel will receive an increase comparable to those given the Federal general schedule employees. Because this pay increase will be effective only for the last half of fiscal year 1970 the cost for 1970 will be \$600,000,000 for Federal civilian employees and \$600,000,000 for the military. The full year cost in fiscal 1971 will be approximately \$2.5 billion—\$1.3 billion for the civilian payroll and \$1.2 billion for the military.

Presently, the annual Federal payroll for all 6,500,000 Federal employees—civilian white collar and blue collar and the military—total approximately \$49 billion.

The Federal Government, during the 11 years that I have been in the Senate, has been a very fair employer. Since 1960, Congress has enacted four different Federal pay laws. The percentage pay increases for general scheduled employees in each of the applicable years were: 1960, 7.5 percent; 1962, 5.5 percent; 1964, 4.1 percent; 1965, 4.69 percent; 1966, 4.21 percent; 1967, 5.27 percent; 1968, 7.18 percent and, in 1969, 7.7 percent. Postal employees in several years received higher salary increases and last year received a lesser percentage increase. The total average salary increases received by Federal employees since 1960 is approximately 45.9 percent. These increases were made to keep Federal employees salary

comparable with salaries paid in private industry. I cite these figures only to show that the Congress has tried to live up to its responsibility and pledge to give Federal employees comparability with their counterparts in private industry. Now we are urging again that Federal salaries be taken up to the latest comparability figures as provided us by the BLS.

I believe the basis for this 6-percent figure was the comparability survey conducted by the Bureau of Labor Statistics in early 1969. That survey showed that as of June 1969, Federal employee salaries were lagging approximately 5.75 percent behind those of private industry. I believe also that in the talks between the administration representatives and those of the postal employees consideration was given to the fact that the retroactive date of December 27, 1969, was 6 months behind the survey date and private industry salaries had increased during those ensuing months. The December 27, 1969 date was a compromise with which the administration could live in its budget squeeze. The 6 percent pay increase to December 1969, is very fair both as to amount and effective date.

I shall only briefly recall for the Senate the fact that in 1962 the Congress went on record as setting the primary guiding principle for Federal salaries to be comparability with private industry. This principle was adopted to stem the loss of high-skilled Federal workers to private industry and to also attract promising young people to careers in the Federal service.

Although Federal salaries continue of necessity to follow by a few months those paid in private industry the purposes for which the comparability principle was adopted have been largely realized.

My experiences with Federal employees have completely justified the salary increases which have been enacted since adoption of the comparability principle in 1962. These increases have helped in the recruitment and retention of our loyal, dedicated, and intelligent Federal employees.

The 6 percent pay increase for these employees which I am strongly supporting will continue to help in this fight to obtain and keep the hundreds of thousands of Federal workers necessary to keep the wheels of this Government working in all 50 States, here in Washington and throughout the world where the U.S. Government is represented.

The 6-percent pay increase your Committee on Post Office and Civil Service recommends to the Senate by a unanimous vote taken yesterday meets that standard of comparability.

The bill includes a provision extending this 6-percent increase to employees of the U.S. Senate and the House of Representatives subject to the controls of Senators presently in the law.

It also has a general limitation provision that no salary increased by this bill shall exceed that of executive pay level 5, which is \$36,000.

The committee also approved an increase in the lump sum available for staff hire of former U.S. Presidents from the present \$80,000 to \$96,000—an increase of \$16,000. This was done to keep

in line with the general cost-of-living increases enacted in 1968 and would be written into permanent law.

We also include in this bill salary increases for the District of Columbia judges who because of inadvertence were left out of the increases given all other Federal judges last year. The Senate has already twice approved these increases but these bills have been pigeonholed in the House.

I firmly believe this bill is fair and just. It keeps the pledge made by the Congress in 1962 to keep Federal employee salaries on a par with those paid in private industry for substantially similar work.

I strongly urge my colleagues to approve this bill.

Mr. McGEE. Mr. President, I want to take special note here of the strong leadership and cooperation of the ranking minority member of the Committee on Post Office and Civil Service, Senator HIRAM FONG. He has had untiring energy and the greatest patience in this matter. As he would be quick to testify, this has been a painstaking operation over many weeks. It has been a rather difficult time. I want to commend him for the perspective in which he has cast the whole question of pay increase.

This measure is not just a little matter that has taken place here on this day in April 1970. It reflects a long-term commitment, a long-range obligation, and a breakthrough in terms of coming to grips with the matter of comparability.

Most important, the fact that it was negotiated at all is the significant breakthrough in a new procedure at the Federal Government level—that of collective bargaining. If it works—and it is working—we may have, indeed, an effective and tough new formula for resolving future labor-management difficulties at the Federal Government level.

So again I commend my colleague from Hawaii for his patience and untiring efforts.

Mr. FONG. I thank the Senator from Wyoming for his very kind words. It was due to his leadership that we were able to produce the bill presently before the Senate. Several weeks ago we went into conference with Members of the House on H.R. 13000. The House conferees were intent on pushing a salary bill through. Because of the very strong position taken by the Senator from Wyoming the Senate conferees resisted that effort and insisted that the conference wait until the negotiators representing the postal unions and the administration arrived at a conclusion before proceeding further. It was because we waited until the negotiators reached an agreement that we have this bill giving all Federal employees a 6-percent increase retroactive to December 27, 1969.

It was due to the fine leadership of the Senator from Wyoming that we have this bill today. I commend him for his very fine leadership in the Committee on Post Office and Civil Service.

Mr. McGEE. I thank my colleague for his generous remarks.

Mr. RANDOLPH. Mr. President, I wish to commend the chairman of the Com-

mittee on Post Office and Civil Service (Mr. McGEE) and the ranking minority member of that committee (Mr. Fong). I think it is important to indicate that all members of the committee voted affirmatively on rollcall, to report this legislation to the Senate.

This measure is an important step in our efforts to provide needed salary increases for all Government employees. Our committee has moved expeditiously to bring this bill to the floor, so that the first phase of the negotiated agreement between the administration and the postal unions can be implemented.

I wish the RECORD to reflect that even though we are covering increases in several categories of Federal employees, I feel strongly that certain employees at lower levels within the Government—I use as an example the letter carriers who have had a beginning salary of \$6,176, and who will now, under this measure if it is enacted into law, receive an annual starting salary of \$6,548—are entitled to more. Within the very near future we must give attention to a restructuring of these lower pay scales.

Mr. President, that is an inadequate salary. Even with the approximately \$400 increase, it is a salary which will not permit the letter carriers or other postal employees in that salary level to rear their families and educate their children and to maintain a moderate standard of living.

I realize the cost of the legislation is substantial. I am conscious also of the desire of the administration and of the unions themselves and the Committee on Post Office and Civil Service to arrive at some agreement which would be acceptable to all parties. It is my belief that the Senate should act affirmatively on this bill.

Mr. CURTIS. Mr. President, will the Senator yield to me?

Mr. RANDOLPH. I yield.

Mr. CURTIS. What is the total annual cost of this bill on a full-year basis?

Mr. RANDOLPH. I believe it is approximately \$2.5 billion on an annual cost basis.

Mr. McGEE. That includes the military.

Mr. RANDOLPH. That includes the military.

Mr. CURTIS. Will the Senator break those figures down as to postal and other civil service workers and the military, approximately?

Mr. McGEE. Mr. President, the Senator from Hawaii just did that. Perhaps the Senator could yield to the Senator from Hawaii so he could give that information to the Senator.

Mr. RANDOLPH. It is \$372 million for the postal workers, about \$900 million for the other civil service workers, and about \$1.2 billion for the military.

Mr. ELLENDER. Mr. President, will the Senator yield?

Mr. RANDOLPH. I yield.

Mr. ELLENDER. I thought this bill applied to postal employees only. When were the others included? I regret that I was not present when the debate on the pending bill started. I have been holding hearings. I would like to know what em-

ployees are covered in the bill, aside from the postal employees.

Mr. RANDOLPH. Mr. President, I will ask the chairman to respond to our able colleague, but before doing so, and because I desire to take my chair or really leave the floor, because, after the Carswell nomination vote I remained here to handle the resolution relating to the rail strike for the Senator from New York, and I have commitments to keep, I want to reemphasize strongly that the salary which is in the category of that of the letter carriers, as I have indicated—and I refer to the beginner's pay of \$6,548, which is approximately \$400 more than the present pay—is inadequate.

I repeat, for a good citizen who is capable, it is inadequate for that citizen to keep his household together properly, to educate his children, and to participate in acts of citizenship other than just the doing of his job.

He must be more than a person who, even though he has contact with the public in the category of the letter carrier, a man who just goes to work in the morning and comes home at night, and tries to live within that salary range. He must, for all intents and purposes, be a citizen who can respond to all the wholesome responsibilities as well as, of course, the advantages of our American system of life.

I hope that the chairman of the committee and all the members of the committee, at least in degree, agree with me that it is not enough to talk about comparability, although I understand comparability. It is not enough just to discuss formulas. It is important that we realize that we cannot get away from the figure which I have stated as the very low income which is now paid to Federal workers, not only in the postal service but also, in degree, to certain segments of our classified clerical workers.

Mr. McGEE. Mr. President, the Senator from West Virginia is one of the members of the committee who does his homework. He made a great contribution during these hearings in reminding us all that, once we had arrived at the settlement, we were still lagging, that we have a commitment, under the Pay Act of 1962, to try to bring the salaries of all Federal employees up to their equivalents in the private sector, and that we have been negligent in doing so. We have been dragging behind. The Senator has been very helpful in establishing the urgency of that fact.

I address myself now to the question of the Senator from Louisiana. The present bill includes not only the postal workers, but all the classified Federal employees. The reason the latter are included was that the hearings in the Senate on the original postal pay bill, way back in October, demonstrated, completely and disturbingly, that the lower pay grades of the classified service, in particular, were at least as ill paid as postal grades 5 and 6, and that there was equity that was long overdue them.

In terms of comparability, to which Congress is required by law to respond the Bureau of Labor Statistics figures on comparability last July 1—not this next

July, but July 1, 1969—would have required an across-the-board pay raise of 5.75 percent. This one goes, now, back to December 27, roughly 6 months later than July, in order to set it at 6 percent.

The final point is that the 6-percent retroactive increase was negotiated in free collective bargaining between the administration management spokesmen and the postal unions. But the criteria for those negotiations were laid down by the Senate and the House conferees on the old pay bill from last fall—namely, that they should be retroactive to at least January 1, and that they should include the Federal classified employees.

Mr. ELLENDER. And that is to apply to what class of employees?

Mr. McGEE. This would be all classes, now. But the Senate bill at Christmas time would have been scaled down from grades 5 and 6 to 10, down 1 percent per grade.

Mr. ELLENDER. I am referring to the bill we are now considering.

Mr. McGEE. Yes. This one goes back and covers all grades with the same percentages.

Mr. ELLENDER. How about the employees whose salaries we raised in the executive department recently, up, to, I believe, \$35,000?

Mr. McGEE. It includes none of the executive grades. It does not include Senators, either.

Mr. ELLENDER. And neither legislative employees, I hope?

Mr. McGEE. It includes legislative employees, on the ground that—

Mr. ELLENDER. Which grades of legislative employees?

Mr. McGEE. Legislative employees in both the House of Representatives and the Senate. It leaves it up to the individual Senator whether he applies it to his staff. That is not compelled.

Mr. ELLENDER. When are these additional employees added to the bill?

Mr. McGEE. This was in the bill unanimously reported by the Senate committee after hearings.

Mr. ELLENDER. I understood this morning that when this bill would be taken up later in the day that the only salaries to be considered would be those of the postal employees.

Mr. McGEE. No; that is not correct. This bill was negotiated. This was the result of the labor-management negotiations freely negotiated over these several tortuous days. We came out of that negotiation with two stages of agreement. One stage was that there should be a 6-percent retroactive pay adjustment to last December 27 for all Federal classified employees and the postal service, all of them; and the second stage has to do with what is yet ahead of us, and not involved in this bill in any way—namely, other adjustments in the postal structure, at this point tied to postal reorganization and postal reform.

Mr. ELLENDER. How about the employees of all the special committees that were created by the Senate?

Mr. McGEE. All legislative employees are included.

Mr. ELLENDER. So that a legislative committee employee, let us say the Sena-

tor's assistant, who is now paid, I think, \$34,000—

Mr. McGEE. \$31,317 if he is paid the maximum.

Mr. ELLENDER. He would receive a 6-percent increase?

Mr. McGEE. He would get about \$1,800 more, on a permanent basis, unless the Senator said no or the chairman denied the increase.

Mr. ELLENDER. And that applies to all employees of all committees?

Mr. McGEE. That would apply to all legislative employees on the Hill, on both sides.

Mr. ELLENDER. But insofar as the employees of Senators are concerned, the Senator must consent to the increase?

Mr. McGEE. The Senator has to make his own determination.

Mr. ELLENDER. But this applies to all committee employees automatically?

Mr. McGEE. That is automatic.

Mr. ELLENDER. So that where we have employees earning anywhere from \$18,000 to \$31,000, they get a 6-percent increase?

Mr. McGEE. Yes. Actually, the minimum is \$1,000, not \$18,000. The feeling of the committee was that since that time, there had been a rise in the cost of living that actually exceeded 7 percent, so that this was only an attempt to stay even, with where they were before the last adjustment had been made.

Mr. ELLENDER. Mr. President, I regret that all of the employees mentioned in this discussion are included in the bill. I would cheerfully vote to increase the salaries of postal employees in the lower brackets. I would also vote to increase the salaries of civil employees in the lower brackets. I cannot see, my way clear to vote to increase the salary of those who are now receiving \$25,000 to \$31,000 by \$1,500 to \$1,800 and allow an increase of only \$300 to \$400 for those who really need an increase.

Mr. CURTIS. Mr. President, I shall have an amendment, which I shall send to the desk in a few moments. My amendment will be strike from the bill all pay raises except for the postal and the military. How the military is handled in the pending measure I do not know, whether it is by reference or by actual language. Nevertheless, I want it clear that I am not advocating a denial of a pay raise for the military.

Frankly, I do not like the postal pay raise. I believe that when the postal employees went on strike, they were in violation of law, and they should be put in jail, and I am disappointed that high officials of this Government ignored the law and sat down and negotiated with them. But that is past. We have got a mess on our hands, and we have to do something about that.

But we have a bill before us including increases for some people around this building and the office buildings, who will get an \$1,800 a year increase because a letter carrier in a great city cannot live on what he earns.

Mr. President, at the time this Congress reduced taxes, the national debt was \$10 billion more than it was a year before. I opposed that bill, because to me the idea of borrowing money to re-

duce taxes represented rank irresponsibility.

The national debt has increased \$3 billion since that date, and here we are with a bill to raise the salaries of all Government employees across the board. And it does not end there. \$2.5 billion is not the end of it—it adds to the retirement costs, under a system that is not funded. It is sheerest irresponsibility.

As I say, I shall offer an amendment that will confine this bill to the postal workers. I shall not undertake to deny the military a pay increase. Within the last 20 minutes, a lady from Nebraska left my office. She had been called to Washington to receive the Medal of Honor that her son was not here any longer to receive. How did he lose his life? He threw himself down on a hand grenade and saved the lives of three of his buddies.

Mr. President, this is wartime. We are going farther and farther in debt every day. If anybody working for the Government does not want to sacrifice to save this country from collapse, he has a remedy. He has the right of resignation.

Mr. President, I do not deny that there are perhaps people under the ordinary civil service who need a pay raise. This is not a selective pay raise. We are operating under a deficit. We are in war. If a pay raise is to be considered at all, it should be a selective one to take care of those situations in which the pay is not enough for the people to live respectably, and that is where it should end.

I am astounded at what has happened since these men went on strike in New York. I pick up the paper and I read that George Meany has settled the pay raise schedules. Where is the great Senate of the United States? Where is Congress? Are we mice or are we men? The Constitution says that Congress shall establish post offices and post roads, and that means that we must take the responsibility for carrying out the service.

No one had a right to enter into an agreement and bind Congress. We are establishing a precedent here that we will live to regret. All that has to be done is to pick out some segment of Government employees, have them go on strike, and all the rest will get a free ride, and our own staffs will enjoy a pay raise of \$1,000 to \$1,800.

I am not impressed about the arguments of comparability. There is one basic fact: There is no money in the till. We do not have the courage to tax the people to pay the bills for the day-to-day operation of this Government.

I said these things with respect to the last tax bill. We were faced with inflation and all sorts of problems. I thought that the surtax should be extended and that the investment credit should end, and that would have brought in several billions of dollars. Lo and behold, we passed a bill that gave all that revenue away.

I know that what I am saying here will be disappointing in many bureaus and agencies. I know that those people will remember. I also know that the people back home are working so hard to pay their expenses and their taxes that

they probably will not remember it. But I have to live with myself.

Mr. President, I send an amendment to the desk, and I ask for the yeas and nays on it.

The yeas and nays were ordered.

The assistant legislative clerk proceeded to read the amendment.

Mr. CURTIS. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with. I already have explained what it would do.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendment will be printed in the RECORD.

The amendment is as follows:

On page 1, line 3, strike out "Federal" and insert in lieu thereof "Postal".

On page 2, strike out lines 1 through 11 and insert in lieu thereof:

(2) Schedules referred to in paragraph (1) of this subsection are as follows: The Postal Field Service Schedule and the Rural Carrier Schedule contained in sections 3542 (a) and 3543 (a), respectively, of title 39, United States Code.

On page 2, beginning with line 23, strike out through line 24 on page 3.

On page 3, line 25, strike out "Sec. 4" and insert in lieu thereof "Sec. 3".

On page 4, lines 2 and 3, strike out "section 5335 of title 5, United States Code, or".

On page 4, line 22, strike out "Sec. 5" and insert in lieu thereof "Sec. 4".

On page 4, beginning with "or" in line 25 strike out through "Columbia" in line 1 on page 5.

On page 6, lines 5 and 6, strike out "or the municipal government of the District of Columbia".

On page 6, strike out lines 7 through 22.

On page 6, line 23, strike out "Sec. 8" and insert in lieu thereof "Sec. 5".

On page 6, in lines 23 and 24, strike out "(other than section 7)".

On page 7, in lines 1 and 2, strike out "(other than under such section)".

Amend the title so as to read: "A bill to increase the pay of Postal employees".

Mr. McGEE. Mr. President, will the Senator yield?

Mr. COTTON. Mr. President, will the Senator yield?

Mr. CURTIS. I yield to the Senator from Wyoming.

Mr. McGEE. Mr. President, I thank the Senator from Nebraska for yielding to me for a comment or two about his very thoughtful remarks.

He has properly dwelt upon the implication present in the minds of some that some kind of action was taken in negotiations downtown that binds Congress. I want to assure the Senator that no action was taken that binds Congress. Congress first, in the appropriate committees, decided that one of the new ways to achieve management-labor settlements without strikes at the Government level was to set up free and unfettered collective bargaining processes. We thought this was a way to approach it. This was undertaken.

We set forth the two basic conditions under which those negotiations should proceed. One was that whatever pay was negotiated would be retroactive to January 1 or earlier, and that it would apply across the board to all classified employees. This was imposed by Congress. The negotiators and the administration were bound by this act of Congress. Con-

gress was not bound by an action that came out of the negotiations. The whole process was the reverse.

I should like to address myself to the Senator's second point, that because of the problem of the deficit, because of budgetary problems, we indeed ought to look at our fiscal souls and be a little more cautious. Let me say that the Senator from Hawaii (Mr. Fong), the ranking minority member of this committee, and I had a very long conversation with the President on this matter. He feels very strongly also on that point. But in the course of our conversation, in the course of our hearings on this specific proposal, the President expressed the belief that he can come up with the necessary two and a half billion dollars without new taxes. He defined it in this way: \$1.2 billion from the surplus that his budget scheduling had envisaged and the remainder from stepping up the timetable on estate taxes and inheritance taxes, I think it was.

Mr. WILLIAMS of Delaware. Mr. President, will the Senator yield?

Mr. McGEE. I should like to finish one or two points with respect to the Senator's amendment.

Mr. WILLIAMS of Delaware. What surplus are we talking about?

Mr. McGEE. I am using the President's figures and the President's recommendations. I think he was talking about a \$1.3 billion surplus that he had in his budget message to Congress.

Mr. WILLIAMS of Delaware. I note that the national debt, in yesterday's Treasury report, was \$13.25 billion higher than it was a year ago, and we have been running behind at an average rate of \$800 million per month. I am wondering what surplus, because we are told we are going to need an increase in the national debt of approximately \$10 billion to finance the imaginary surplus.

Mr. McGEE. I cannot answer the Senator's question. The Senator should put that to the administration. This is the administration's point in regard to financing this extra commitment.

Mr. WILLIAMS of Delaware. The Senator from Wyoming was speaking so strongly for the administration all throughout the day that I thought he had the answer.

Mr. McGEE. That answer is not my prerogative. That answer is the prerogative of the President of the United States. He draws up the budget recommendations to Congress, and I am respecting the budget he submitted to Congress.

I would say, in conclusion, to the Senator from Nebraska that the Senate passed its own pay bill last Christmas, December 12, across the board, in an attempt to respond to the President's sense of urgency about the problem, but not to go as far as the House went, which had a much larger pay increase, which would have cost a great deal more, and they did not know how they would finance it.

The administration felt they could finance the smaller Senate bill. When that fell by the wayside, due to a great many other developments—it had nothing to do with what the Senate did—we were confronted by this crisis; and in co-

operation daily with the administration, we have tried to work out a modest adjustment with which the administration can live and yet which approaches equity.

Mr. CURTIS. May I ask the Senator a question?

Mr. McGEE. Yes.

Mr. CURTIS. The lettercarriers in the great cities aroused sympathy all over the country. What is going to be their annual increase in wages?

Mr. McGEE. Under the bill, it would be \$375 a year.

Mr. CURTIS. Employees of the Senate will get up to \$1,800. That is not a modest increase. It is merely a vehicle which has taken advantage of the situation in the Post Office where some people went on strike where they should not have.

Mr. McGEE. Let me say to the Senator in that regard that the strike was not only illegal, but it was also unsanctioned by the union leaders. It was a wildcat strike circumstance. It was negotiated in an effort to try to head off massive strikes. The one group that did not strike or walk off in any form was the Federal employees. They, too, had been granted an across-the-board pay adjustment last December in the Senate's pay bill.

The committee unanimously felt that it would be wrong if we had gone the route the Senator is proposing and just pay the postals retroactively who were involved, some of them, in the walkouts; whereas those who played the game under the law got the same allowance at that time.

Mr. CURTIS. You will continue to pay these people who violated the law? You are going to give them a raise in pay? Is that what you are going to do?

Mr. McGEE. I am saying that the unions who had trouble in the walkouts and the other sympathetic walkouts, and so forth, which got out of hand—

Mr. CURTIS. I am asking the Senator, if that Government employee who violated the law and went on strike is going to be rewarded with a pay raise?

Mr. McGEE. The administration wrote in the negotiations in return for other concessions an amnesty for those out on strike. That was the negotiators' decision.

Mr. CURTIS. The negotiators are not voting on this bill today. I am asking the committee, are you keeping on the payroll all the strikers and giving them a pay raise?

Mr. McGEE. They are not on our payroll. They are on the payroll of the Post Office Department. We are not touching them.

Mr. CURTIS. But we have charge of the purse strings. We are charged with operating the postal service. My question is, Are you going to keep the strikers on the payroll and reward them with a pay raise?

Mr. McGEE. We have left that judgment to the Postmaster General and the personnel administrators downtown. We are respecting the negotiated settlement. It was a fair settlement. It was not one-sided. It was a giving and a taking on both sides.

Mr. CURTIS. Was anyone there to

represent the people? They have to pay the bill. Here is the thing, as was mentioned, our debt has gone up \$3 billion since the Congress reduced taxes. We are all having to tell our impacted school districts that they cannot have any money. One school district that has an enrollment of 80 percent of children of the military in my State is closing. We are informing other people that there is no money because of a financial crisis. And here, this great committee—I have a profound respect for every individual on that committee—

Mr. McGEE. I gathered that.

Mr. CURTIS. I think the Senator is making a terrible mistake. What I mean is, there is nothing personal about it. I respect the Senator's views, but I think he is making a terrible mistake in bringing in a bill that will raise the salaries as much as \$1,800 a year.

I do not defend their actions in striking but, as I understand it, we give them a \$375 a year raise now. Is that correct?

Mr. McGEE. The Senator's bill would reward those who went out on strike. This bill rewards all Federal employees, including those who obeyed the law.

Mr. CURTIS. No, no. That is not correct at all. All I do is strike from the bill some of the provisions in the bill. I strike out everything but the postal service because there appears to be an emergency.

Mr. McGEE. For the other Federal workers?

Mr. CURTIS. Certainly not on Capitol Hill.

Mr. McGEE. Our hearings on the classified employees showed that the classified employees were at least as deeply involved at the poverty level as were the postals. Our attempt is not to discriminate or select out for that. This is an adjustment in the cost of living, not a reward for better service. The Bureau of Labor Statistics made it clear in its testimony to us that last July 1, everyone in public service in the Federal Government needed a 5.7 percent salary adjustment to keep even with the rising cost of living—just even. That was last July 1.

Mr. CURTIS. How about the people back home? How much do they need?

Mr. McGEE. This is an attempt to equate the workers with those in the private sector back home.

Mr. CURTIS. It is a poor equation.

Mr. McGEE. It may be, and the Senator may be right in saying that. We have done the best we can from the statistics provided us by the Labor Department.

Mr. CURTIS. Why do they not tie it to the agricultural price index?

Mr. McGEE. The Senator will have to ask the Bureau of Labor Statistics that. We are not quarreling with that. We have simply done the best we could here. We have worked with the President, the Postmaster General, the postal unions, and the members of the committee, to make sure that we came out with something that was fair and not wild, and something that would not put the President in a serious situation. They are agreed on all sides on that score.

Mr. COTTON. Mr. President, who has the floor?

Mr. McGEE. The Senator from Nebraska has the floor.

Mr. COTTON. I have been asking the Senator to yield.

Mr. CURTIS. I am happy to yield to the Senator from New Hampshire.

Mr. COTTON. Mr. President, I would like to say to the Senator from Nebraska that there is much merit in his proposal and I would support it if he would add just one more provision. That provision is that for a period of 1 year, beginning July 1, the next fiscal year, congressional salaries shall be suspended 25 percent for that 1 year period.

I believe that the postal employees are entitled to a substantial raise. I regret what they did, but I also think of the untold thousands who did not strike and who were faithful to their obligations and to their oaths.

However, I think that the employees in our various offices are getting enough. I would go along with the distinguished Senator from Nebraska in saying that they should not share in this increase. I am bound to say that I think that those who work for the committees and in other capacities on the Hill do not need another raise at this time.

I would go along with the Senator in saying that we would be wise not to vote for an increase across the board through the whole government.

The finest example we could set for the people of this country and for the great unions of this country would be to say that we recognize that what the Senator from Nebraska just a moment ago said with such eloquence is true—that we are at war and that we must make sacrifices. The Congress of the United States, in my opinion, is not receiving a cent more salary than the responsibilities of this office justify. But the Congress of the United States for a period of 1 year should be willing to suspend 25 percent, one-fourth, of their salaries and let that money go back to the Treasury.

If we were willing to do this, we could very well then do exactly what the Senator from Nebraska suggests. We could stop including everyone in a sweeping raise. And we could do only what is vitally necessary and be firm and say no to the others.

I think Congress should be given an opportunity to say, "We are going to limit expenditures and the constant jumping of salaries throughout the Government, and we are going to show our sincerity and our good faith by being the first to make the sacrifice."

And when the time comes, our salaries can be restored. We can give raises if we have finished the war in Vietnam and if we have stopped the demands on this Government and checked the fever of inflation.

Mr. President, I make this as a perfectly serious proposal. I wish the Senator from Nebraska would include that in his amendment. If he is willing to do this, then I will be happy to support his amendment. If he does not, then I cannot support him.

Mr. CURTIS. Mr. President, if I may reply to that, my amendment is not a substitute. The distinguished Senator

from New Hampshire would be perfectly in order to attach the amendment he proposes to the bill at any point. If he does, I shall vote for it. I will help him get a rollcall vote. I voted against the pay raise on two or three rollcalls. I voted against the financing of that nefarious commission that started all this mischief. I voted against a continuation of that commission which will hound us again 4 years from now.

However, I will still vote for the Senator's measure. There is no particular reason why it needs to be added to my amendment. And I would have no objection if he were to add it. I would vote for it.

Mr. COTTON. Mr. President, the Senator knows perfectly well that if such an amendment were offered by the Senator from New Hampshire by itself that it would have no chance of passing whatsoever.

The Senator knows perfectly well that he is offering an amendment that would save a great deal of money for this Government, in a time when we need, as he has so well expressed, to husband our resources.

If my proposal were joined with his, I think it would have a chance of passing.

That is why I hope that the Senator from Nebraska would make his amendment a really effective amendment that we could support and that would leave us in the situation of being able to take care of the emergency with which we are confronted.

If we did it in that way and took our own temporary cut, I believe it would do a great deal to help us in the weeks and months ahead.

Mr. CURTIS. Mr. President, I think the Senator is correct. And I hope that he offers such an amendment to the bill. It could be considered in one package. I will support it and help him get a rollcall vote.

Mr. WILLIAMS of Delaware. Mr. President, I commend the Senator from Nebraska (Mr. CURTIS) for the amendment he has offered.

Speaking of the financial position of our Government, it would be well to point out that on March 26 our Government came within \$400 million of hitting the \$377 billion ceiling. On that date our national debt was \$13.250 billion higher than it was a year ago on that same date. I refer to that date because while this report came out yesterday there is a 2-week delay in receiving the report.

Mr. CURTIS. Mr. President, I suggest that amount was about \$3 billion greater than when we passed the tax relief bill. Is that correct?

Mr. WILLIAMS of Delaware. Perhaps I do not have the figures. It should be pointed out that this high level is immediately prior to the receipt of the large revenues on April 15. Our debt always peaks about this time of year.

Based on the current operation, as nearly as we can foresee, our debt this fiscal year will be from \$8 billion to \$10 billion higher than it was a year ago. We are running behind at better than \$800 million a month, on a 12-month average.

We hear much talk about surpluses. The only reason we hear about surpluses is that people who make references to surpluses are counting trust funds as normal revenue of the Government. The railroad retirement fund is counted in order to give an imaginary surplus. The civil service retirement fund is counted also. The social security trust fund is included and that fund is composed in its entirety of taxes from the employee and the employer. It consists of not a dime of Government money and not a dime can be spent by the Congress or the President working together to pay the normal operating costs of our Government. We are trustees only. However, the accumulations in those trust funds are counted as though they were normal revenues of the Government in order to report to the people an imaginary surplus.

When this practice was started by President Johnson I said it was done for one purpose and that purpose was to deceive the American people as to the true cost of operating the Government. I make the same statement now, that we are following the same accounting system under this administration. It is wrong.

It is time that we started to tell the American people the truth about our huge deficits which are causing the inflation in this country. That is why these postal employees and others have a hard job to meet the cost of living. It is because we, in Congress, are spending far more than is being taken in. We are not telling them the truth. Congress has passed a bill which was labeled "Truth in Packaging and Lending." I hope some day we get a little more truth in government.

The time is long past due when Congress should recognize that we cannot spend this Government into prosperity on borrowed money any more successfully than can a drunkard drink himself sober.

Mr. CURTIS. Mr. President, I thank the distinguished Senator.

I would like to have the attention of the manager of the bill as well as every other Senator, because I am about to make a unanimous-consent request that, in effect, is a technical waiver of a rule. I want to be very candid about it.

I took the floor before the amendment was drawn. I asked for an amendment that would limit the pay raise to the postal workers and the military. The copy of the amendment which I sent to the desk would not have preserved the pay raise for the military. The copy that I hold in my hand would do that.

Mr. President, I ask unanimous consent, notwithstanding the fact that a rollcall has been ordered, that I be allowed to modify my amendment to make it conform to the statement I made when I offered the amendment.

Mr. McGEE. Mr. President, reserving the right to object, I wish to ask the Senator, for purposes of clarification, whether the only change in the modification is that he inadvertently omitted the military.

Mr. CURTIS. That is correct.

Mr. McGEE. I have no objection.

The PRESIDING OFFICER. Is there objection?

Mr. FULBRIGHT. Mr. President, reserving the right to object, I wish to ask a question. I regret that I had to step out of the Chamber when the Senator was explaining his proposal. I am very interested in what I did hear, but I did not hear all of it.

In the Senator's amendment is there any limit on the size of the salaries to which the increase would apply? I wish to ask the Senator if that is taken into consideration.

I had contemplated that this increase was for the low-paid postal workers, the ones particularly that I read about in the newspapers, the ones who are getting as little as \$6,000 or \$7,000 a year and living in the big cities, and who really need a raise.

I voted against an increase in Senate salaries last year and one other pay bill because I thought it set an example that was unfortunate in view of the fiscal situation of our country. I wonder whether the Senator has considered a minimum salary range, above which there would be no increase? An increase for those receiving up to \$30,000 and \$35,000 is uncalled for, and for the same reason I opposed the increase in Senate salaries.

Mr. CURTIS. I feel whatever is done in connection with civil service should be done in another bill, and it should be selective. This bill, by the very circumstances, had to be reported. About the only way the Senator from Nebraska could do anything was to strike out the general civil service.

To be frank with the Senator, if my amendment were adopted, it would not limit the pay raise to the lower paid in the postal service. I would favor such a thing, but under the rush circumstances in which we are proceeding, I have not been able to work out such a scale. It cannot be chopped off. It has to be worked out carefully.

Mr. FULBRIGHT. I am interested in a bill that would include those persons receiving under \$25,000. They are the ones in tight circumstances. Actually, the most deserving are those who receive around \$6,000, \$8,000, \$10,000. That is where the case was made, and that is why there is so much sympathy in connection with this bill. I think we made a mistake under the philosophy on which we raised our own salaries. Until the war is over, we owe it to everyone to deny raises to everybody at that level.

Mr. CURTIS. Mr. President, may I have a ruling on my request?

The PRESIDING OFFICER. Is there objection to the request of the Senator from Nebraska? The Chair hears no objection, and it is so ordered.

The amendment of Mr. CURTIS, as modified, is as follows:

On page 1, line 3, strike out "Federal" and insert in lieu thereof "Postal".

One page 2, strike out lines 1 through 11 and insert in lieu thereof:

(2) Schedules referred to in paragraph (1) of this subsection are as follows: The Postal Field Service Schedule and the Rural Carrier Schedule contained in sections 3542 (a) and 3543 (a), respectively, of title 39, United States Code.

On page 2, beginning with line 23, strike out through line 24 on page 3.

On page 3, line 25, strike out "Sec. 4" and insert in lieu thereof "Sec. 3".

On page 4, lines 2 and 3, strike out "section 5335 of title 5, United States Code, or".

On page 4, line 22, strike out "Sec. 5" and insert in lieu thereof "Sec. 4".

On page 4, beginning with "or" in line 25 strike out through "Columbia" in line 1 on page 5.

On page 6, lines 5 and 6, strike out "or the Municipal Government of the District of Columbia".

On page 6, strike out lines 7 through 22.

On page 6, line 23, strike out "Sec. 8" and insert in lieu thereof "Sec. 5".

On page 6, in lines 23 and 24, strike out "(other than section 7)".

On page 7, in lines 1 and 2, strike out "(other than under such section)".

At the end of the bill add the following new section:

Sec. 6. Any reference in section 8 of the Act of December 16, 1967 (Public Law 90-207) to the General Schedule contained in section 5332 of title 5 United States Code, shall be considered a reference to the Postal Field Service contained in section 3542(a) of title 39 United States Code.

Amend the title so as to read: "A bill to increase the pay of postal employees".

Mr. FULBRIGHT. Mr. President, will the Senator yield so that I may ask another question.

Mr. CURTIS. I yield.

Mr. FULBRIGHT. Why cannot the Senator incorporate into his proposal a level above which the increase does not apply?

Mr. CURTIS. I think it is a task that would have to be worked out by a committee. Arbitrarily, let us suppose the figure is placed at \$10,000. Would we deny a raise to the man who makes \$10,000 and give a raise to someone who makes \$9,990? That is the sort of thing that is involved. There is involved the tapering off, and to write a workable amendment on the floor is most difficult. I have no quarrel with the objective.

Mr. FULBRIGHT. I think it is very unfortunate in view of what the Senator from Delaware has said—and he certainly knows more than most of us about the statistics of our finances; I agree with what he said—it is unfortunate to again give raises in the higher brackets, just as it was to raise our own salaries.

Mr. CURTIS. I yield the floor.

Mr. FONG. Mr. President, I rise in opposition to the amendment offered by the distinguished Senator from Nebraska.

The distinguished Senator from Nebraska proposes to raise salaries just for the postal workers and for the military, leaving out 1.3 million people in the general classification program. Let me go into some history of the salary increases and the reasons why the Senate and the Congress adopted the principle of comparability.

As of today, we have approximately 740,000 postal employees. Of the 740,000 postal employees, only 193,000, at the height of the strike, went out on a wild-cat strike. The other 500,000 or more employees remained loyal to the Government and remained on their jobs.

Besides the 740,000 postal employees, we have 1,300,000 general schedule employees.

Besides those two categories, there are also 700,000 blue-collar Federal workers. The blue-collar workers have an adjustment in their salaries almost every year because, under present law, their salaries are set by local wage board surveys. These wage board employees receive wage increases when there are increases in the private sector of their communities.

In other words, after a wage survey is made by the local wage board in a particular community, if the wage board finds salaries of comparable workers in industry have increased by 5 or 6 percent, that increase is given to the blue-collar workers. Therefore, as far as the blue-collar workers are concerned, they have pay comparability with private industry employees.

Of the 70 million employees in the United States, approximately 2,800,000 are with the Federal Government. So it can be seen that the Federal Government is a very small employer in the total employment picture in the United States.

If we also look into the employment picture of the States and municipalities, all the municipalities and States, together with the Federal Government, employ approximately 16 percent of the labor force. In other words, 81 percent of the labor force is in private industry.

As long as I have been on the Committee on Post Office and Civil Service, which has been for the past 11 years, that committee has been struggling with the problem of equalizing the salaries of our Federal employees with those paid in industry. So in 1962 we enacted the comparability principle for our white-collar employees. It passed the Congress and is now law. We have told Federal employees that we will pay them what is paid comparably in industry. In other words, a secretary in the Government service will be paid the same salary as a secretary in private industry.

So we have approximately 3 percent of the work force in the Nation, comprising 2,800,000 Government employees, following the 67 or 65 million employees in private industry. We adopted the comparability principle because we felt Government employees' salaries should be equated with those paid in private industry.

How does the Government arrive at the principle of comparability? In the early part of each year the Bureau of Labor Statistics makes a national survey of salaries paid in private industry. Those figures are not worked on until probably June to September. The figures come to the Congress in November or December. In 1969 when the figures were gathered and the equation was worked out, the Civil Service Commission finally told the Committee on Post Office and Civil Service in December that, as of July 1, 1969, approximately 6 months before, the salaries of Federal employees were 5.7 percent behind those paid in industry.

So it was our duty, if we were to follow the comparability statute which we passed in 1962 to give those employees a 5.7-percent increase in salary. We did not do that in H.R. 13000. The Senate, in its wisdom, because of the tight financial situation, gave a 4-percent in-

crease to all employees below the \$10,000 figure, 3 percent to those between \$10,000 and \$15,000, 4 percent to those between \$15,000 and \$20,000, and 1 percent to those making \$21,000. The House conferees would not accept the Senate bill.

Much has been said as to why we should limit this increase to those of a certain salary, that is, those who make \$8,000 or \$9,000, or below. That was one of the problems that the committee worked on when we were trying to decide what we should do with salaries in the higher categories.

Because Congress would not for many years raise the salaries of those in the upper grades, the salaries were compressed. As a result of that compression, we were losing valuable men to private industry. So President Johnson, in his wisdom, convened the Kappel Commission to look into executive, judicial, and legislative salaries. It arrived at the conclusion that the Federal Government was losing to industry very valuable employees who were in the higher categories of pay. Because we had in previous years given lump sum raises to all employees, we were making the salaries of those who were in the upper categories lag far behind those of industry.

Because of that situation, we adopted the principle of comparability, and we now have a very fine system as far as comparability is concerned.

So we were told by the Bureau of Labor Statistics that, as of July 1969, in almost every category in the Federal salary scale, we were 5.7 percent behind the salaries paid in industry, not only for those in the postal service but also for those in the general schedules.

In 1967 we passed a bill, now known as Public Law 90-207, which ties military pay to that of the general schedule, and it says in substance that if there is an increase in the general schedule, there must be an equivalent increase in military pay.

The amendment which was presented by the distinguished Senator from Nebraska gives to the military, but denies to the general schedule classified employees, an increase in salary.

The BLS figures show that the classified employees in general, like the postal employees, are also behind in their salary schedules, and the amendment which has been offered by the distinguished Senator from Nebraska is an unfair amendment because it rewards one group of employees just because a portion of that group of employees went on strike, and does not compensate that group which was loyal to the Government.

When the conferees of the Senate and the House of Representatives met in conference to discuss the pay bill, H.R. 13000, they came out with a unanimous agreement that any pay bill should embody the following principles:

First, that a bill must give retroactivity to January 1, 1970.

Second, that if an increase was to be given, the increase must be across the board, to the postal service employees and the general schedule employees.

In conformity with guidelines set by the conferees of the House Post Office

and Civil Service Committee and those of the Senate Post Office and Civil Service Committee, the negotiators came out with this agreement, providing 6 percent across the board for all employees retroactive to December 27, 1969.

Mr. President, the distinguished Senator from Wyoming and I had breakfast with the President 2 weeks ago and it was the opinion of the President that this was a fair settlement, and in conformity with that feeling, the President has sent a message to Congress urging passage of a bill which would provide a 6-percent increase across the board to all Government employees, except that the agreement did not, of course, include the legislative salaries. But the committee unanimously decided that legislative employees also should be included.

When we ask for an increase in salaries for our Government employees, we are also cognizant of the fact that whenever we increase Government employees' salaries by a few percent, it means billions of dollars. We know that every increase of 1 percent in the salaries of our Government employees means an expenditure of \$424 million. Multiply \$424 million by 6 percent, and you get an increase of approximately \$2.5 billion. This is a tremendous sum. But we should not take it out on the Government employees and say, "You Government employees work for less pay than your counterparts in industry." We should give to our employees what is fair, and our employees are now lagging behind their counterparts in industry by at least 6 months.

I think the amendment offered by the distinguished Senator from Nebraska is not a fair amendment. The bill which is before the Senate is a very fine bill, a bill which has been endorsed by the postal administrators, the administration, the President, the postal unions, and the members of the Post Office and Civil Service Committee, who have gone over it with a fine toothed comb.

I say that the amendment should be rejected.

Mr. McGEE. Mr. President, will the Senator yield?

Mr. FONG. I am happy to yield.

Mr. McGEE. I say this partly with tongue in cheek, but I have a new title for a speech which the Senator from Hawaii would probably join me in delivering, and that is, "How to Play Post Office Without Ever Getting Kissed."

We have been involved in this business for a great many weeks, and all we are getting out of it is lumps. It has been a painful as well as a painstaking process. But I echo the Senator's thought that we have come out with something fair and equitable in this regard.

I wanted to raise a point or two about the amendment of the Senator from Nebraska that the Senator from Hawaii has already touched upon. One of them is that, as I read the amendment, first it has the limitation of rewarding those groups who blew their stacks and walked off the job illegally. He is limiting the raise to postal employees and to the military, which brings me to the second blind spot in the amendment.

We cannot raise the military without raising the classified Federal employees,

because of the limitations that Congress has imposed on itself under Public Law 90-207. Military pay raises are tied to Federal employee pay adjustments; therefore, I would be interested to hear how the Senator from Nebraska intends to get around that.

Mr. CURTIS. That is very simple. It is the last act of Congress that prevails. One Congress cannot pass a statute that binds a future Congress. We can raise the military any time we want to, without raising civilian salaries.

Mr. McGEE. Then you are amending the Armed Services Pay Act of 1967. The next thought that I wanted to express in regard to the presentation of my colleague from Hawaii was that at this point, at this late date, to tamper with a judgment that has, we think, been considered with cool heads from all angles, would be to jeopardize the chances for the mechanism of a new collective bargaining process that I think if successful would do more to head off further explosions from these sources than any other factor.

Mr. FONG. Especially when the bargaining is in conformity with equitable principles.

Mr. McGEE. It has not been excessive in any way. If the military is kept in, as the Senator from Nebraska suggests, we are retaining an increase of \$1.2 billion. If the postals are kept in, with a 6-percent retroactive increase, we are retaining another \$400 million. That means we are taking out of the bill about \$900 million, under the Senator's amendment, for the classified employees. We just do not think this is the way to make this adjustment, in view of the rising costs during the last year.

To keep the matter in perspective, they are still negotiating downtown, and will be negotiating the rest of this year, on the selective process of rewarding the meritorious in terms of real need. This 6 percent was a retroactive adjustment to try to keep pace with the comparability and the cost-of-living pressures that have descended on all, regardless of what level they find themselves in.

So I hope the amendment of the Senator from Nebraska will be defeated.

Mr. GOLDWATER. Mr. President, will the Senator yield so that I might ask the chairman a question?

Mr. FONG. I yield.

Mr. GOLDWATER. Is there some way the committee might give heed to the suggestions made by the distinguished Senator from Arkansas relative to some limitation on this increase? I can understand the need of the lower paid postal employees, but I cannot understand the need of the \$25,000 or \$30,000, or even the \$15,000 civil servant, for a 6-percent increase at this time. I would hope we could confine this adjustment to the area where it is really needed.

As I have said time and again, I blame, in large measure, the plight of the lower paid postal employees on their own unions, because never, during the years I was here before, did I feel that they came in with a package that represented equal pay for the postal employees. They are always lagging about 2 years behind, and

I think the blame can be placed upon their unions.

I would hope, because of the rapid increase in the cost of living which is continuing and not abating, the danger that this measure will add to inflation, and the danger that inflation will lead to a downright depression in this country, which will destroy the spending ability of all Americans, that we could take a look at the suggestion of the Senator from Arkansas that we place a ceiling on this increase.

I am thinking, for example, of general officers and admirals. I am thinking of our assistants, who receive very high salaries, I might say. I do not think they are in need of a 6-percent increase, and I would hope that, either through a modification of the amendment of the Senator from Nebraska or a decision by the committee to amend the bill, this could be accomplished.

Mr. McGEE. The Senator from Arizona has made a very thoughtful pursuit of that point, along the lines suggested by the Senator from Arkansas in the earlier colloquy.

I might say that the committee deliberated a long time on that point, in terms of where a good cutoff possibility might lie, or whether we had better just give a monetary adjustment across the board, let us say \$750 per individual, which would thus help the lower ones more than the upper ones.

We got into such complications on that, in carrying it out in terms of the negotiations, that it seemed that the fallout from those consequences did not make enough difference to go that route.

Likewise, on that same point, the whole emphasis on the 6 percent was geared into the comparability factor. Underway right now are the separate negotiations unrelated to these to try to adjust these other compensating factors.

I would hope that we could consider in the context in which all of this has come that the least complicated and least loaded way in terms of unfairness to individuals is still to go the 6-percent across the board on all of the levels now. We in the Senate do not have to give it to our employees. That is our decision. I did not give it to mine the last time, and I am not going to stampede into that. That is our prerogative. So we do not have to go that route.

I think it is meritorious that we weigh this and that we ought to strive to come up with some kind of formula soon down the road we are trying to pick our way along right now, where we can give good consideration and real thought to some possible adjustments along the line that the Senator suggests. I just do not believe that it now, at this stage, belongs in this particular adjustment.

Mr. GOLDWATER. I can understand the Senator's reluctance to change at this late date. However, my concern—and I am not sure whether this is also the concern of the Senator from Arkansas—is expressed by the very word he has repeatedly used—"negotiation." It is against the law to strike against the Government. I have a very strong feeling that the people who strike against the Government should be dismissed

from the Government. The Senator is talking about negotiations. If this across the board goes, this is just the beginning, in my humble opinion. We would have recognized the right of the Federal employee to strike against his Government, against the law of the United States.

We have not punished anybody for doing this. This is the opening wedge for every union in this country to demand unearned wage increases. The postal employee we are talking about has earned an increase. I do not think my administrative assistant, with all due respect to him, has earned an increase. I do not think the assistants downtown who are earning \$20,000, \$25,000 and \$30,000 a year have earned an increase. But this is not going to stop. Working people all over this country are again demanding, as the Teamsters are demanding, unearned wage increases. The only result of this is unearned price increases, and the very people we are trying to help here today are the ones who wind up behind the eight ball again.

I have seen statistics recently that show that the man who had been receiving these increases over the past 5 years merely breaks even with what he was making 5 years ago because of the cost of living increase. This disturbs me greatly, and it is the prime reason why I suggested that we pay attention to what the Senator from Arkansas has suggested, that we do put a ceiling on this. At least it indicates to the people of this country that we are not going hog wild, that we are not bending to the pressures of George Meany and a postal union and a threat from other governmental unions.

I would hope, even though I know the committee has had a hard job and has worked long and quickly on this, that we could incorporate some cut-off level in this. I do not think the committee has had any demand from the higher salaried employees. Has it?

Mr. McGEE. No. We have not been lobbied by any of the higher salaried employees, that I know of. I have not been. I cannot speak for the others.

Mr. GOLDWATER. I would certainly hope that during the course of the discussion the chairman could get together with his committee and decide. If he wants a suggestion, why not double what the Labor Department says is a minimum earning for a family—I think it is about \$4,400—and let us do better than that and say \$9,000? Anything above that we do not increase.

Mr. McGEE. I think this has real merit. I think it would take more in the way of study and hearings than to skim this off the surface on the floor this afternoon. We have been up and down that one several times.

I should like to say, in response to the Senator from Arizona that there is no cave-in here to labor or to George Meany. The Senator will find, when the record of these negotiations has been made public, that the labor negotiators were very responsible. These were not the ones who were walking out. These were the ones who advised against it. The management people tell me that it has been a very tough but responsible give and take. That

is what collective bargaining is all about. We really believe that the greatest thing at stake right now is not even that total in dollars. It is the chance for success of this now, that that will do more to establish the credibility of labor-management relations in Government, where the strike is illegal, and do more to head it off in the future, than to patchwork this thing right now because of the bind we are in.

It is our genuine conclusion that we have a better chance to succeed the way we have recommended here in the proposed legislation—mindful as we are of the problem it poses for us in terms of the higher echelon groups. If those are added together, I am told we are still talking about a handful of dollars in comparison with the total of \$2.5 billion.

Mr. GOLDWATER. Even a handful of dollars is important now.

I was interested in listening to the Senator from Delaware recite the plight of the dollar in this country, and he did not include one item that I am sure he has the figures on—the plight of the civil service retirement fund.

Does the Senator have that information?

Mr. WILLIAMS of Delaware. I understand it is a deficit of approximately \$40 billion to \$50 billion on an actuarial basis. It is nearer \$60 billion.

Mr. GOLDWATER. I am told, further, that if this is not met by 1980, there will be no retirement for us younger people. [Laughter.]

Mr. McGEE. Last year, Congress provided a permanent formula for taking care of it. We are no longer back where we were with that problem.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. McGEE. I yield.

Mr. PASTORE. If the Senator from Arizona needs it that badly, he can have mine.

Mr. GOLDWATER. I will take it.

Mr. FONG. Did we not have a problem about 5 years ago, when we gave an increase to the lower grade postal employees and did not increase the others? We found that the lower grade employees were making more than the supervisors.

Mr. McGEE. The Senator is correct. In fact, it used up whatever difference there was between those with greater responsibilities than we had allowed for. That is why we are in trouble. There was no January 1964 pay increase for the high-level employees, because the ceiling had been reached.

Mr. FONG. And did we not find, before we enacted that pay raise bill, that those in the upper grades were really farther behind on comparability than those in the lower grades?

Mr. McGEE. Much farther behind.

Mr. FONG. Did we not find that those in lower grades were almost comparable to those in private industry but those in the upper grades were very far behind?

Mr. McGEE. That is true.

Mr. FONG. If the increase is just given to the lower grade employees we will find that the upper grade employees will lag farther behind than they were before.

Mr. McGEE. The Senator is correct. And then they will do what was suggested

by one of our colleagues this afternoon—they will go out and find something else. This is what we are trying to slow down or prevent. We believe we need these people, and we are trying to hold those with proven competence in the leadership role.

Mr. FONG. Is that not why the Kappel Commission recommended that the salaries of Representatives, Senators, and top executive levels be increased, so that those who were just below them could have their salaries increased, and we could keep them in Government?

Mr. McGEE. That is correct. That was the whole purpose of the Kappel Commission report.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. McGEE. I yield.

Mr. PASTORE. I think there is a great deal to be said about the fact that there are few jobs—no question about it—in which the employees are being excessively paid. There is no question about it. Some adjustments ought to be made. How those adjustments can be made, is the question. But, by and large, I would say that the majority of the employees of the Federal Government are either modestly paid or in many instances underpaid.

The suggestion was made here to limit an increase to those making up to \$9,000. That sounds good at first blush, but that would exclude the air traffic control employees, and that would create a problem. I think that essentially their complaint is money more than it is over work. I think they do a good job while they are at their posts. I do not approve of what they did, any more than I approve of anyone engaging in a wildcat strike against the Government. I have always said that when you strike against the Government, you strike against yourself.

When I was Governor of the State of Rhode Island, I was threatened two or three times, and I know the strong position I took at that time. You have to take a strong position and not tolerate that.

I think that here a mechanism has been adopted that in the future will be very helpful. I realize that in the process anyone could get up and point out a half-dozen or perhaps more than that where certain employees are really going to receive too much money when we give them the 6-percent increase. There is no question about that. But, by and large, I am afraid that if we begin to try to make every adjustment on the Senate floor in every particular case, we will destroy the whole purpose of the bill. That is one thing we have to consider here. I am not too happy that some people will get a 6-percent raise, but, on the other hand, that is only a handful. There is a great multitude of Federal employees who are being underpaid and they do have a grievance which has to be met.

Mr. STEVENS. Mr. President, the point the Senator from Arizona made was adequately argued in committee. It would be recalled that President John Griner of the American Federation of Government Employees, stated that the spread of 6 percent over the existing grades would be a more equitable fashion. I am inclined to believe that that would have been the best way if we were the nego-

tiators, but we did not negotiate. The Postmaster General and the Government Employees Union came before the committee and explained that this was the product of the crucible of labor-management negotiations.

I commend the Senator and the ranking minority member for their efforts to make this a meaningful session. It is still going on. We still have the problem of comparability to settle; but I, for one, oppose the amendment that has been offered, and I would hope that we would be able to go ahead and have our input to the labor-management negotiations, as the Senator did during the time it was going on through the conference committee representatives, but we can also recognize that we can avoid strikes and slowdowns by getting meaningful representation to the union and the people who represent the Government employees.

Mr. McGEE. I want to thank the Senator from Alaska, who has been one of the hardest working members of the committee.

Mr. FULBRIGHT. Mr. President, I want to ask a question. The Senator said that his committee had considered an across-the-board raise instead of a percentage raise. That, it seems to me, might go a good way toward meeting the observation the Senator from Arizona made, and which I am in sympathy.

Supposing we authorized a \$500 across-the-board raise. That would certainly not be so much out of line with those making \$30,000 as with those making \$8,000 or \$9,000. That would actually be about 6 percent of \$8,000, or \$480, I believe, which would accomplish it to some degree.

I just think it is impracticable, somehow, to use this formula at this late date. What is impracticable about authorizing a \$500 raise? That would be meaningful for those who get \$7,000 or \$8,000. It would not be too much for the man making \$30,000.

Mr. McGEE. We weighted that. It was not practical, in our judgment—

Mr. FULBRIGHT. Why not?

Mr. McGEE. For the simple reason that the formula arrived at, of 6 percent, was to adjust to rising costs of living, and that ahead is the negotiation to compensate for the inequities. That is what is being talked about downtown right now. Therefore, we felt, in view of what is going on there now, that we were prepared to address ourselves to the formula that was arrived at in one of the two settlements; namely, 6 percent retroactive, and that was the reason we finally rejected the flat formula, flat sum of money, and the complications it would impose. It would throw out of whack the negotiations going on now, in terms of trying to make that adjustment downtown.

Mr. FULBRIGHT. It seems to me that is not so simple, procedurally, as the 6 percent. We could go on and negotiate in addition to that. We assume it is, in a sense, just a temporary raise, to meet a kind of emergency.

I just wish to reiterate that I think it is bad psychology when the country is undergoing the greatest inflationary

movement it has had in many years. It is as serious, I read, as back to the Civil War, to engage in further wage rises and at the higher level particularly. I am reluctant to vote for that. I think I shall vote for the amendment of the Senator from Nebraska, in the hope that at least this increase could be limited temporarily. I recognize, of course, that there are other things, particularly the air traffic controllers, who might well deserve as much more consideration.

I would prefer, if it were possible, to incorporate the idea of an extra, limited increase in the higher brackets, just for the same reason I thought it was wrong for us to increase Senators' salaries.

Mr. McGEE. Mr. President, I am ready to vote.

Mr. CURTIS. Mr. President, I shall not detain the Senate for more than 2 minutes. I invite the attention of the Senator from Arizona and the Senator from Arkansas to the fact that to vote for my amendment is the way to reach the objective that is sought.

We are in a crisis over the postal pay. It seems that we must do something on postal pay. By deleting from the bill the general civil service, then the committee will have time to work out an amendment that deals with the problem of low-paid individuals not receiving enough to get along under present prices.

Let us consider what we are doing today.

According to the statement of the committee, we are giving the letter carriers in a great city a \$375-a-year raise, and our administrative assistants up to \$1,800.

Oh, I have heard about the great glories of negotiations, and the glories of comparability.

Let us have a little comparability within the Government.

Now any of those who know conditions in their own States have serious question about this business of comparability. Certainly there is nothing comparable about Government wages, nongovernment retirement pay, farm income, or the great masses of people who work for a living in our small communities.

Here is something else we are doing in the bill. We are raising the page boys in the Senate to a greater total amount than we are giving to the letter carriers in the cities who are supporting a family.

I love every one of those page boys. I hope the day will come when they will have a place here in the Senate. I think they will do a better job. But we are asked, in the name of comparability, to vote for a bill that will give the page boys in the Senate a \$394.20 increase and the letter carriers will be getting a \$375 increase. Oh, the glories of comparability. They sound good, if we never look at the figures. But, they are as phony as a \$3 bill.

Mr. President, I have left in my amendment the raises for the postal service because we are in a situation that we have to meet. Let me say that no postal worker in the State of Nebraska struck or asserted his right to strike. I shall always praise them for that.

I have also included the military be-

cause we are in a time of war and they are sacrificing for us. Furthermore, no one in the military can resign.

Mr. President, let us meet what has to be met today; namely, the postal crisis.

I do not want to offer an amendment against the military. As I say, they cannot resign, and they are rendering a tremendous service to our country in their sacrifices for us.

It does not mean that the door is closed to the general civil service. The committee can report a bill and take into account the fine suggestions made here. Do not be mistaken, \$800 million is the first price tag. It affects fringe benefits, it affects group hospitalization costs, it affects life insurance costs, and it affects the retirement pay.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Nebraska. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from Indiana (Mr. BAYH), the Senator from Nevada (Mr. BIBLE), the Senator from North Carolina (Mr. ERVIN), the Senator from Indiana (Mr. HARTKE), the Senator from Hawaii (Mr. INOUE), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Louisiana (Mr. LONG), the Senator from Minnesota (Mr. MCCARTHY), the Senator from Minnesota (Mr. MONDALE), and the Senator from Georgia (Mr. RUSSELL) are necessarily absent.

I further announce that the Senator from Rhode Island (Mr. PELL) is absent on official business.

I further announce that, if present and voting, the Senator from Nevada (Mr. BIBLE), the Senator from North Carolina (Mr. ERVIN), the Senator from Hawaii (Mr. INOUE), and the Senator from Louisiana (Mr. LONG) would each vote "nay."

Mr. GRIFFIN. I announce that the Senator from Utah (Mr. BENNETT) is absent on official business as observer at the meeting of the Asian Development Bank in Korea.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from California (Mr. MURPHY) is necessarily absent.

On this vote, the Senator from South Dakota (Mr. MUNDT) is paired with the Senator from California (Mr. MURPHY). If present and voting, the Senator from South Dakota would vote "yea" and the Senator from California would vote "nay."

If present and voting, the Senator from Utah (Mr. BENNETT) would vote "nay."

The result was announced—yeas 8, nays 77, as follows:

[No. 124 Leg.]

YEAS—8

Cook	Fulbright	Mansfield
Curtis	Goldwater	Williams, Del.
Dominick	Hansen	

NAYS—77

Alken	Griffin	Pastore
Allen	Gurney	Pearson
Allott	Harris	Percy
Baker	Hart	Prouty
Bellmon	Hatfield	Proxmire
Boggs	Holland	Randolph
Brooke	Hollings	Ribicoff
Burdick	Hruska	Saxbe
Byrd, Va.	Hughes	Schweiker
Byrd, W. Va.	Jackson	Scott
Cannon	Javits	Smith, Maine
Case	Jordan, N.C.	Smith, Ill.
Church	Jordan, Idaho	Sparkman
Cooper	Magnuson	Spong
Cotton	Mathias	Stennis
Cranston	McClellan	Stevens
Dodd	McGee	Symington
Dole	McGovern	Talmadge
Eagleton	McIntyre	Thurmond
Eastland	Metcalf	Tower
Ellender	Miller	Tydings
Fannin	Montoya	Williams, N.J.
Fong	Moss	Yarborough
Goodell	Muskie	Young, N. Dak.
Gore	Nelson	Young, Ohio
Gravel	Packwood	

NOT VOTING—15

Anderson	Hartke	Mondale
Bayh	Inouye	Mundt
Bennett	Kennedy	Murphy
Bible	Long	Pell
Ervin	McCarthy	Russell

So Mr. CURTIS' amendment was rejected.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had passed, without amendment, the joint resolution (S.J. Res. 190) to provide for the settlement of the labor dispute between certain carriers by railroad and certain of their employees.

FEDERAL PAY LEGISLATION

The Senate continued with the consideration of the bill (S. 3690) to increase the pay of Federal employees.

Mr. FULBRIGHT addressed the Chair.

The PRESIDING OFFICER (Mr. EAGLETON). The Senator from Arkansas is recognized.

Mr. FULBRIGHT. Mr. President, I have not yet drawn it up but I wish to offer an amendment to change the 6 percent which appears at line 12 on page 1 to \$400, which would have the effect of giving approximately 6 percent. At \$7,000 it would be \$420. I am told by the staff that the cost of this proposal would be approximately the same as the current bill.

Since the Senate rejected the amendment of the Senator from Nebraska which limits the increase to the postal service and the military, I now assume there is no possibility of restricting its application. I think it would be much wiser to strike out the 6 percent at line 12 on page 1 and to insert in lieu thereof \$400. That would be across the board and everyone would get \$400. This would preserve the absolute relationship between all employees. It would not violate the principle we discussed a moment ago about giving 6 percent only to those up to \$10,000.

No supervisor would get less than his underlings. I think this is a much more equitable way to approach it.

Furthermore, in view of the dire condition of the Federal Government, and as long as the war continues inflation will continue, and I see no prospect of its ending. I think it is the height of improvidence and unwise to engage in further substantial increases in salaries. I regret the Senate set the example in raising our own salaries. I voted against it on the same principle.

Comparability is applicable only in a relatively small number of employees of the Government. Furthermore, the Government is not comparable in the way it conducts its business to that of private enterprise.

I offer my amendment at this time.

The PRESIDING OFFICER. The amendment will be stated.

The ASSISTANT LEGISLATIVE CLERK. On page 1, line 12, strike out 6 percent and insert in lieu thereof \$400.

Mr. FULBRIGHT. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. MCGEE. Mr. President, the point made by the Senator from Arkansas is a very worthwhile point and we have on some occasions in the past made adjustments according to that formula.

The committee weighed very carefully this proposal, which would tamper with the negotiated formula already tortuously worked out in free collective bargaining. We felt that the benefits to be gained by going the route that the Senator proposes would have more fallout complications than would make it worthwhile.

Furthermore, the formula aggravated the problem we have been trying to work out at least since 1965, of trying to keep separate in meaningful ways which have been worked out in great detail in hearings, the differences in wage returns for those with higher and more responsible positions.

This is a carefully dovetailed kind of operation.

Lastly, the negotiations under way right now downtown, where the negotiators have been meeting since 3 o'clock, are looking precisely to this formula down the road. We believe that if we were to tamper with this formula this evening, it would blow the negotiations that have been achieved between the administration and the interested groups; that it would not be responsible legislation in this bill at this time. We think the proposal has merit for weighing in future proceedings. So we recommend against it at this time.

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. MCGEE. I yield.

Mr. FULBRIGHT. Can the Senator tell us what percentage of postal employees would get as much under this amendment as they would get under the bill?

Mr. MCGEE. I did not hear the last part of the Senator's question.

Mr. FULBRIGHT. What percentage of the postal employees would get as much

under my amendment as they would get under the bill? I refer only to the postal employees.

Mr. McGEE. The postal employees only would get more—

Mr. FULBRIGHT. No. I am asking about the percentage of the postal employees. Would not a very large percentage get just as much under my amendment as they would under the bill?

Mr. McGEE. Yes.

Mr. FULBRIGHT. What percentage?

Mr. McGEE. About 95 percent.

Mr. FULBRIGHT. The 95 percent of all postal employees would get just as much under this amendment as under the bill presented. All that would be done would be to avoid giving these large increases on a percentage basis to those making \$25,000 or \$30,000 a year. Does the Senator agree?

Mr. McGEE. What the amendment does is tear down the work of the committee that has been going on for 5 years, trying to get a new salary structure that is relevant in terms of different levels of responsibility. I just do not think this is the bill or the place or the method to unravel what has been worked together so intricately.

Mr. FONG. Mr. President, will the Senator yield?

Mr. McGEE. I yield.

Mr. FONG. Would not this proposal wreak havoc with the comparability formula?

Mr. McGEE. Indeed, it would throw out of kilter the whole comparability formula, which we have been trying to achieve ever since we passed that bill.

Mr. FULBRIGHT. How could that be when 95 percent would get approximately the same under my amendment as they would under the bill? How does that wreak havoc?

Mr. FONG. It wreaks havoc because the Senator would limit it to those who are drawing perhaps \$6,000 or \$7,000 a year, but for all those who are drawing more than \$6,000 or \$7,000 a year, there would be no increase which in turn would cause a severe compression problem.

The Bureau of Labor Statics informed us that, as of July 1, 1969, all Government employee salaries were 5.75 percent behind that of industry in salaries.

In 1962 we adopted the principles of comparability. We said that Government employees should have comparable wages with their counterparts in industry. This amendment would wreak havoc with the comparability philosophy and wreak havoc with the whole concept.

Mr. FULBRIGHT. How is comparability arrived at? Is it a computer estimate?

Mr. FONG. The Bureau of Labor Statistics makes national salary surveys and gathers information from all industry to see if the pay in private industry jobs is comparable with the same jobs in Government.

Mr. FULBRIGHT. Who says that?

Mr. FONG. The Bureau of Labor Statistics.

Mr. SYMINGTON. Mr. President, will the Senator yield?

Mr. McGEE. I yield.

Mr. SYMINGTON. I was interested in the remarks made by the distinguished

Senator from Arkansas with respect to the various wars we are now fighting. He mentioned the fact he had voted against the increase in Senate salary. So did I. A few minutes ago I was looking at the tickertape, and noted there is now a plan to build 10,000 homes in Vietnam for families of South Vietnamese military.

My distinguished colleague, Senator EAGLETON, pointed out the other day that in our town of St. Louis, with 665,000 people, we built last year exactly 14 single unit houses.

It seems to me, as day after day on this floor we continue to approve all these adventures abroad, which are costing the taxpayers of the United States over \$100 million a day—Europe, the Middle East, the Far East—we might give some consideration to what the problems of the people of this country are back here at home. Only last year \$6 of every \$100 of take-home pay in the United States was taken away from our people, all of it through inflation, most of it because of the heavy price of these ventures.

Is it not about time that we stopped worrying so much about the importance of babysitting and gendarming the rest of the world, and started paying more attention to the problems of our own people here at home?

Mr. MILLER. Mr. President, will the Senator yield?

Mr. McGEE. Mr. President, I yield the floor.

Mr. MILLER. Mr. President, I would like to ask either the manager of the bill, the Senator from Wyoming, or the Senator from Hawaii a question about comparability. As I understand the proposition before the Senate, the proposal is to try to take care of a problem resulting from increases in the cost of living, and for the time being a 6-percent increase is deemed to be what must be done. If we apply this 6 percent to the various scales under the comparability doctrine, naturally we can expect that some of the higher-paid employees are going to have more than a \$400 increase, because they had more than a \$400 increase in their cost of living. If we confine it to a \$400 increase, it is going to have an impact upon the philosophy or the doctrine of comparability which is supposed to be supported by the cost-of-living increase.

I ask if this is not what we are really deciding.

Mr. McGEE. That is precisely the point. That is what is jeopardizing the law passed in 1962. The committee was commissioned to work toward comparability in the public service, to try to entice and hold competent individuals in Government.

The move now by this amendment in the bill today would jeopardize the comparability efforts that have now gone on for 8 years.

Mr. MILLER. Then, when the Senator from Wyoming stated that the amendment has some merit, I take it he was stating it had merit when we look at some possible revisions in the pay scales later on?

Mr. McGEE. That is right.

Mr. MILLER. But it does not have merit in the concept of the increase in

the cost of living that we are trying to cover?

Mr. McGEE. When we have a fixed increase, we always take in those at the lower end of the scale and then go higher up. It was the conclusion of the committee that taking the flat figure would create new problems and that the fall-out complications would cause more problems than would be solved by such a provision.

Mr. MILLER. It just seemed to the Senator from Iowa that to mix in a flat increase with a problem having to do with an increase in the cost of living does not fit. If we had no increase in the cost of living, and we were merely trying to equalize, especially in some of the lower brackets, I could understand this idea of a flat increase. But that is not what our problem is, and that is not what we are here about.

Mr. McGEE. That is right.

Mr. MILLER. I thank the Senator.

Mr. YOUNG of North Dakota. Mr. President, will the Senator yield?

Mr. MILLER. I yield.

Mr. YOUNG of North Dakota. I think a far more important consideration for us today is that Mr. Blount, the Postmaster General, Mr. George Shultz, the Secretary of Labor, Mr. George Mcany, the head of the AFL-CIO, and the representatives of the postal workers' unions all agreed on the 6 percent. If we change the formula now, we will upset everything, and have to start all over again where we were about 2 weeks ago when we had the strike. This would present a very serious situation.

Mr. MILLER. The Senator, in my judgment, is absolutely correct. But I would suggest that the reason they settled on this is because the problem is that of a cost-of-living increase, and that is the reason we have to have a percentage increase. Otherwise, we are going to destroy the very purpose for which this legislation has been introduced.

Mr. FONG. Mr. President, will the Senator yield?

Mr. MILLER. I yield.

Mr. FONG. Also, this 6 percent was within the area of the 5.7 percent comparability percentage which the Bureau of Labor Statistics said we should have given to the Government employees as of July 1, 1969.

Mr. MILLER. I am very happy that the Senator made that point. That is right on the target.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Arkansas.

Mr. CHURCH. Mr. President, I have no expectation that the amendment offered by the distinguished Senator from Arkansas will be agreed to. I recognize the difficulty entailed, due to the negotiations that have taken place and the delicacy of the present situation.

Nevertheless, I shall support the amendment, and I shall support it for just one reason: I think a grave mistake was made at the commencement of this Congress. To begin with, it was made by the President of the United States when he accepted a 100-percent increase in his salary. From that time forward, he

lacked any moral basis upon which to urge others not to insist upon very substantial increases in pay. The mistake was compounded, in my judgment, when Congress authorized a 42-percent increase in congressional salaries, and extended a comparable increase across the board to cover all top executive officials of the Government.

This denied to Congress a moral basis upon which to urge the country, in a time of war and insistent inflationary pressures, to pull in its belt and restrain the tendency to insist upon more and more pay.

Now we have a bill which undertakes to increase all Federal pay, not just for postal workers, but for the classified civil service and the armed services as well, and once again it is based upon a percentage increase, which is not directed toward those employees who need it most, toward those who are hurt most by the inflation, those who are receiving the lowest pay, but will give the largest increases to those who are earning the most pay. High-salaried employees who are earning \$25,000 and \$30,000 will be getting \$1,500 and \$1,800 increases in pay. Those who need it the most, at the bottom of the pay scale, will be getting the least, say, \$300 or \$350.

I think the problem we face in this country is the way we keep serving ourselves, with those at the top always taking the biggest slice. If there ever was a time to stop this, it is now. I know it is hard. We failed earlier in the case of the topmost Federal executives, and now it is very difficult to face up to the need. But the need nevertheless exists.

If we were to adopt the amendment offered by the Senator from Arkansas, we would spend as much money, but we would utilize that money on those people who are getting \$4,000, \$5,000, or \$6,000 a year, and trying to pay their grocery bills with it. We would give the relief where the relief is really needed, and we would stop the process of fattening the pocketbooks of those who do not need it, most of whom are not even asking for it, up at the top of the salary scales of the Government.

I shall support the amendment because it is addressed to those who need the added money most.

The PRESIDING OFFICER (Mr. EAGLETON). The question is on agreeing to the amendment of the Senator from Arkansas (Mr. FULBRIGHT). On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from Indiana (Mr. BAYH), the Senator from Nevada (Mr. BIBLE), the Senator from North Carolina (Mr. ERVIN), the Senator from Indiana (Mr. HARTKE), the Senator from Hawaii (Mr. INOUE), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Louisiana (Mr. LONG), the Senator from Minnesota (Mr. MCCARTHY), the Senator from Minnesota (Mr. MONDALE), and the Senator from Georgia (Mr. RUSSELL) are necessarily absent.

I further announce that the Senator from Rhode Island (Mr. PELL) is absent on official business.

I further announce that, if present and voting, the Senator from Nevada (Mr. BIBLE), the Senator from North Carolina (Mr. ERVIN), and the Senator from Louisiana (Mr. LONG) would each vote "nay."

Mr. GRIFFIN. I announce that the Senator from Utah (Mr. BENNETT) is absent on official business as observer at the meeting of the Asian Development Bank in Korea.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from California (Mr. MURPHY) is necessarily absent.

If present and voting, the Senator from Utah (Mr. BENNETT), the Senator from South Dakota (Mr. MUNDT), and the Senator from California (Mr. MURPHY) would each vote "nay."

The result was announced—yeas 21, nays 64, as follows:

[No. 125 Leg.]

YEAS—21

Allen	Eagleton	McGovern
Church	Ellender	Nelson
Cook	Fulbright	Stennis
Cotton	Goldwater	Talmadge
Cranston	Hansen	Thurmond
Curtis	Hollings	Williams, Del.
Dole	Mansfield	Young, Ohio

NAYS—64

Aiken	Harris	Pearson
Allott	Hart	Percy
Baker	Hatfield	Prouty
Bellmon	Holland	Proxmire
Boggs	Hruska	Randolph
Brooke	Hughes	Ribicoff
Burdick	Jackson	Saxbe
Byrd, Va.	Javits	Schweiker
Byrd, W. Va.	Jordan, N.C.	Scott
Cannon	Jordan, Idaho	Smith, Maine
Case	Magnuson	Smith, Ill.
Cooper	Mathias	Sparkman
Dodd	McClellan	Spong
Dominick	McGee	Stevens
Eastland	McIntyre	Symington
Fannin	Metcalf	Tower
Fong	Miller	Tydings
Goodell	Montoya	Williams, N.J.
Gore	Moss	Yarborough
Gravel	Muskie	Young, N. Dak.
Griffin	Packwood	
Gurney	Pastore	

NOT VOTING—15

Anderson	Hartke	Mondale
Bayh	Inouye	Mundt
Bennett	Kennedy	Murphy
Bible	Long	Pell
Ervin	McCarthy	Russell

So Mr. FULBRIGHT's amendment was rejected.

Mr. GRIFFIN. I ask for third reading, Mr. President.

Mr. HARRIS. Mr. President, there is a group of employees who are not covered by this bill because their salaries are determined by different procedures. They are the one-fourth of the Federal employees who are referred to as wage board employees.

Back in October of 1968, my former colleague, from Oklahoma Senator Monroney, offered an amendment which was adopted and is now law. It provides for a much more equitable method for setting the salaries of these employees, who up to that time had certainly been inequitably treated. The difficulty, however, has been that the Civil Service Commission and the Department of Defense have moved unconscionably and intolerably slow in the implementation of that sec-

tion of the law referred to as the "Monroney amendment."

In that regard, I ask unanimous consent to have printed at this point in the RECORD an article published in the Daily Oklahoman of Monday, March 9, 1970, pointing this out.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

WAGE BOARD PAY SCALE AT TINKER AIR FORCE BASE POSES ONE BIG HEADACHE

(By Kathy Christie)

WASHINGTON.—Reluctant Pentagon and civil service commission officials are wrestling with results of a just-completed wage board pay survey for Tinker Air Force Base.

As they see it, the survey will result only in inequities in pay scales for blue collar workers. They readily admit that an amendment by former Oklahoma Senator A. S. (Mike) Monroney that became law back in October, 1968 has given them nothing but bureaucratic headaches. They'd dearly like to have it taken off the books.

Unlike employees under the classified grade system whose pay scales are fixed nationally, the pay of wage board employees is based on the going-pay rate in the local economy for similar work.

Prior to enactment of the new law a little over a year and a half ago, federal job positions for which no comparison could be found in private industry in the area were merely lumped with jobs in other fields on the same general skill level, and an average was established.

However, the Monroney amendment requires the government to seek comparative pay rates outside of the local area if there are not comparable jobs in local private industry.

So, for example, to set wage board pay for aircraft mechanics at Tinker Air Force base, the surveyors now have to reach beyond the normal 50 mile radius to Tulsa's large aircraft industries in order to find comparable private pay.

In doing so, they likely will come up with a salary level for aircraft mechanics which is higher than other workers in the same grade levels will be receiving.

Civil Service Commission Chairman Robert Hampton in testifying last year on wage board pay legislation before the House Post Office and Civil Service Committee said that the amendment would "if carried to its full potential . . . pose a threat to the entire prevailing rate concept."

More recently Hampton said that the law "is vague and very difficult to administer. He said, "There can be no practical application of the law . . . no way to apply it in theory and maintain it" in setting local wage board pay rates.

Raymond J. Braitsch, who heads the Department of Defense wage fixing office, said the new out-of-area wage survey will affect those Tinker employees in grades W-9 and above "who are concerned with accomplishment of the mission of the organization" such as "aircraft overhaul and repair specialists."

It would not affect carpenters, plumbers and the like, he said.

Although the legislation was enacted over a year and a half ago, "its requirements were not ironed out until about four months ago," Braitsch said.

He said that "about 40 areas" are being surveyed for special requirements; and some locations which had been recently surveyed under previous regulations were being re-surveyed.

Braitsch said that the report for Tinker was among the first in the nation to be completed, but added, "I don't expect that a new schedule based on the data will come for

weeks or possibly even months." He said the problem was in interpreting the law and establishing correct legal procedures.

It took 14 meetings of the National Wage Policy Committee to work up guidelines for coordinating the new out-of-area survey rules, and extended negotiations between DOD, the principal surveying agency, and employee unions to reach agreement on initial instructions.

Even after all the hassling, officials say there are still more than a few wrinkles yet to be smoothed out.

"It's a mess, just rife with inequities," Braltsch said. "The Department of Defense and the federal government were generally opposed to this (amendment) from the beginning." However, he said the amendment had been "tacked on to an 'unvetoable' bill."

There is unanimous agreement among knowledgeable government officials that the new survey for special category jobs could conceivably result in federal employees receiving a higher wage scale in Oklahoma City than those holding down the same occupation in Tulsa, where the private industry pay scale had been surveyed.

What the new out-of-area survey requirements boil down to, is a large headache that the government officials will just have to live with—at least for a while.

Although there are several legislative proposals to ease or change the new system, relief seems to be a good way away.

Mr. HARRIS. Mr. President, this article details the fact that the chairman of the U.S. Civil Service Commission, Mr. Robert H. Hampton, has not favored the Monroney amendment and that the Department of Defense has not favored it, either. While there are disclaimers that they have dragged their feet in carrying it out and providing fairness for this group of employees, I think that those statements are suspect because of the great delay in the implementation of that amendment.

I would say to the Senate that the Committee on Post Office and Civil Service, under the chairmanship of the distinguished Senator from Wyoming (Mr. McGEE), has been very helpful and very interested in the special problems of these employees. The staff of that committee has asked the Civil Service Commission to move with dispatch on carrying out the Monroney amendment, and very recently has received a letter from the chairman of the Commission which sets forth the Civil Service Commission position with regard to these employees. I ask unanimous consent that this letter be printed at this point in the RECORD.

There being no objection the letter was ordered to be printed in the RECORD, as follows:

U.S. CIVIL SERVICE COMMISSION,
Washington, D.C. February 10, 1970.

MR. DAVID MINTON,
Committee on Post Office and Civil Service,
Washington, D.C.

DEAR DAVID: I have your letter of January 22, 1970, concerning the application of the Monroney Amendment and the wage board situation at Tinker.

Before I respond to the questions raised by Senator Harris' Legislative Assistant, let me assure you that we have not been dragging our feet in the implementation of the Monroney Amendment. It is true that the former Administration opposed this law; it is equally true that I am not in favor of it because I believe that it is contrary to the whole principle of establishing pay rates on the basis of rates prevailing in private industry in the local area. Nevertheless, the Commission recognizes that it has a respon-

sibility for the implementation of the Monroney Amendment. We do not believe that we have been remiss in that responsibility.

Beginning with the enactment of the Monroney Amendment on October 12, 1968, staff began immediately to develop implementing instructions. It was not easy. The wording of the law is not precise and therefore can be interpreted in a number of ways. Because of this it took 14 meetings of the National Wage Policy Committee before the first instructions were issued. When the Department of Defense undertook to apply these instructions, it raised some basic questions which required three more meetings of the National Wage Policy Committee before satisfactory answers were developed. The last meeting of the Committee was August 15, 1969.

Since that time, the Department of Defense, which is the lead agency in the majority of the wage areas, has been obtaining information needed to make the necessary determinations on the principal types of positions for application of the Monroney Amendment.

While no wage schedule has yet been issued under the provisions of the Monroney Amendment, it appears that the Oklahoma City wage area will be the first. We understand that Defense has identified the principal types of positions for which Monroney Amendment rates will be established and is at this time developing the survey coverage necessary to establish the wage schedules. Even so it will probably be March or April before the data are secured and the schedules issued.

With this general background in mind, I will respond to the questions raised by Senator Harris' Legislative Assistant concerning the Tinker situation. My responses will be numbered to correspond to the number of the questions in the letter.

1. Two surveys have been completed at Tinker since the Monroney Amendment was enacted. The first was issued on January 9, 1969, but was effective on October 30, 1968. The second was issued on October 27, 1969, and was effective November 2, 1969.

2. The Monroney Amendment will be applied retroactively to both these surveys as soon as necessary survey data are obtained.

3. We have no information on what the amount of the wage increases may be under the Monroney Amendment.

4. I have responded to the status of the Monroney Amendment earlier in this letter.

5. As indicated earlier, Defense is now in process of developing the survey coverage to apply the Monroney Amendment at Tinker. It will be about March or April, however, before the data are received and the schedule is issued.

If you have further questions, please let me know. I am returning Mr. Dage's letter for your files.

Sincerely yours,

ROBERT E. HAMPTON,
Chairman.

Mr. HARRIS. With the aid of an able legislative assistant, Gary Dage, I have been among those who have continued to press for equity for these employees who have been left behind. This past weekend I met in Oklahoma City with Mr. W. T. Knight, who is an executive council member and legislative director of AFGE Local No. 916 there, and other members of that local and other wage board employees, in the Oklahoma City area. I ask unanimous consent that their names be printed at this point in the RECORD.

There being no objection, the names were ordered to be printed in the RECORD, as follows:

AMERICAN FEDERATION GOVERNMENT EMPLOYEES

1. W. T. Knight—Exec. Council Member and Legislative Director of A.F.G.E.—Local 916.
2. Jerri Smith.
3. N. J. Nance, President, Local 916—A.F.G.E.
4. Timothy Greene, Vice Pres., Local 916—A.F.G.E.
5. Grace Harris.
6. James T. Harris.

Mr. HARRIS. As stated in the letter from the Chairman of the Civil Service Commission, to which I referred earlier and had printed in the RECORD, the Civil Service Commission has reported that the Department of Defense has been running a survey in the Oklahoma City area, under the monroney amendment, and they do expect that the employees in that area will be the first to be covered by the survey. I think that survey is objectionable in that it is being carried on in counties which really do not have positions in private industry comparable to Federal Government positions in the Oklahoma City area and does not, for example, include jobs and salaries paid in Tulsa County. I have been contending very strongly that that situation should be corrected and that the surveyed counties ought to include Tulsa.

Furthermore, I think it is imperative that the Department of Defense and the Civil Service Commission move with dispatch to complete the implementation of this law. It is over a year now since the Monroney amendment went into effect. Despite that fact they continue to object to its application, and they continue to make comments—as the article to which I referred earlier shows—that there are going to be all sorts of difficulty in implementing that amendment.

Mr. President, that amendment is the law. These employees are entitled to a great deal more consideration on the part of the Federal Government than the unconscionable delay we have recently seen.

I would ask the distinguished Senator from Wyoming, who has done such an excellent job in regard to the bill presently before the Senate—and I commend him and other members of the committee for their efforts, and I support them—first, if he has any report as to what we might do to get the Department of Defense and the Civil Service Commission to move a little more rapidly in regard to wage board employees?

Mr. McGEE. First, may I say to the Senator from Oklahoma that I met with two delegations in Kansas City from Tinker Air Force Base in Oklahoma City and from Tulsa, when I was in Kansas City meeting on problems recently with Federal employees. I am mindful of the urgency of the problem the Senator has described. The next order of priority in the Senate Post Office and Civil Service Committee is to begin hearings on the wage board matter. We believe that the opening of hearings will serve the proper purpose of speeding up what has been a very long process. I think, in fairness, it is a real can of worms in some ways in terms of interpreting some of the instructions.

Mr. HARRIS. Will S. 1958, the bill which I have introduced and which has

the support of the AFGE nationally and locally in my State, will that be one of the measures which the Post Office Committee will take up?

Mr. McGEE. That is one of the measures on which we will be sitting and ordering hearings in regard to its terms.

Mr. HARRIS. Does the distinguished Senator believe that the hearings will help clear up any difficulties that there are in the so-called Monroney amendment, or at least move the executive department and the Civil Service Commission along finally to get implementation of the law?

Mr. McGEE. I would say we are confident that it will, without being belligerent about it.

Mr. HARRIS. I am very much pleased to hear that, and I know that the wage board employees will be also. I commend the distinguished Senator for what he is doing in regard to those employees, as well as those covered by the bill now before the Senate.

Mr. McGEE. I should have injected—I overlooked it—because the schedule has been thrown off by this postal crisis, and we have been going at it night and day for 3 weeks, now that we do have one other priority that we will be working on and ordering hearings on, and that is the issue of pornography in the mails; but that we must do simultaneously, although there is no connection between the two.

CORRECTION OF THE RECORD

Mr. DOMINICK. Mr. President, in the CONGRESSIONAL RECORD of April 7, 1970, on page S5237, there is an error in the printed text of the amendment which I offered, which was passed by the Senate, to H.R. 11102.

Fortunately, the correct text of the amendment is contained in the enrolled bill passed by the Senate.

I ask unanimous consent that the permanent RECORD be corrected to include the complete text of the amendment as it appears on page S5237.

There being no objection, the text of the amendment was ordered to be printed in the RECORD, as follows:

On page 50, line 4, insert "required" immediately after "capital".

On page 50, line 5, insert immediately after the period the following new sentence: "There shall be deposited into the fund amounts received by the Secretary as interest payments or repayments of principal on loans and any other moneys, property, or assets derived by him from his operations under this part, including any moneys derived from the sale of assets."

On page 58, between lines 15 and 16, insert the following:

(b) The first sentence of section 302(b) of such Act is amended by inserting after the first semicolon the following: "and to purchase, service, sell, or otherwise deal in any loans made or guaranteed under part B of title VI of the Public Health Service Act;"

FEDERAL PAY LEGISLATION

The Senate continued with the consideration of the bill (S. 3690) to increase the pay of Federal employees.

Mr. CURTIS. Mr. President, I have an amendment at the desk and ask that it be stated.

The PRESIDING OFFICER (Mr. EAGLETON). The amendment will be stated.

The bill clerk read the amendment as follows:

On page 2, line 23, after the word personnel insert "other than personnel whose pay is disbursed by the Secretary of the Senate or the Clerk of the House of Representatives."

And on page 3, strike out lines 9 through 12.

Mr. CURTIS. Mr. President, I shall not detain the Senate.

This amendment would remove from the pay raise bill the employees of House and Senate, our offices, and the committees. It would not affect the Government Printing Office or the Library of Congress.

I point out that under the bill brought in here, to do justice to the postal carriers supporting families in great cities, it would give them \$375 a year raise, but would also give the page boys in the Senate \$394.20 a year raise. It would also give raises to our own staff of up to \$1,800.

Mr. President, that is my case.

Mr. McGEE. Mr. President, just for the RECORD, no Senator in this body, under this bill, is required to violate his own conscience in terms of paying his own employees.

The RECORD should show that.

Any Senator who does not want to pass this allowance on to his employees should exercise his conscience in terms of the rest of the Hill employees.

The formula on 6 percent is an attempt to adjust to the increase in the cost of living since a year ago. It is not an attempt to pad anyone's salary.

Mr. President, I think we have had enough of words this afternoon on this subject.

Mr. CURTIS. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. DOMINICK. Mr. President, I rise in support of the amendment of the Senator from Nebraska.

For the life of me I cannot understand what we are doing here.

We are trying to take care of the postal employees who need a raise, which has been worked out. Yet, in addition to that, we are giving a raise to Federal employees. Then we are going to add on, without any hearings or anything else, except, as I understand it, just a verbal request of one of the Members of this body, the Hill people.

Mr. President, I believe that we got into enough trouble around here recently when we raised our own salaries. I do not think we should do anything about raising Federal employees' salaries as well.

Mr. FONG. Mr. President, according to the Bureau of Labor Statistics, if our employee was worth \$10,000 last year, he is entitled to a 6-percent raise this year if he was comparable in salary to those in private industry last year.

Now the figures given to us indicate that our employees are 5.7 percent be-

hind those of private industry, as of July 1, 1969.

This increase is a \$2.5 billion increase, which represents 6 percent across the board.

So far as the employees in the legislative branch are concerned, that will be \$6,800,000 out of the \$2,500,000,000.

If the employees in the postal service and the employees in the general schedule classification deserve a 5.7-percent increase, then the employees of our departments, the employees who are working for us and the employees on our staffs, if they were worth the salaries they were paid last year, they are entitled to the 6 percent this year.

Mr. MOSS. Mr. President, I might point out an additional feature, that this is not a mandatory increase. It still remains within the discretion of each Senator and Representative as to what he will do. But that amount of money will become available—

Mr. MANSFIELD. If the Senator from Utah will allow me to interject there, it is mandatory so far as the committees are concerned.

Mr. MOSS. That is true, but not the personal staffs of Senators and Representatives.

Mr. GOLDWATER. Mr. President, I do not ask this facetiously but, had not the postal workers struck, would the committee have made this recommendation?

Mr. McGEE. That is a difficult question to answer, for me or for anyone else. We addressed ourselves to the question of the pay bill last December but we had not gone to conference to negotiate with the House, who did have it in. It is conceivable that this could delay the postal adjustment 2 or 3 days, or whatever it might take to go to conference on this, but it was not in our bill because we were addressing it to a condition existing last December, at the President's request.

Mr. GOLDWATER. Again, I do not ask this facetiously, but I am afraid, because I have heard the word "negotiate" used so often today, that it seems with the passage of this bill, we will no longer be the determiners of the wage structure of the Federal Government, that we will have given this over to the unions of the United States.

The PRESIDING OFFICER (Mr. EAGLETON). The question is on agreeing to the amendment of the Senator from Nebraska.

On this question the yeas and nays have been ordered and the clerk will call the roll.

The bill clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from Indiana (Mr. BAYH), the Senator from Nevada (Mr. BIBLE), the Senator from North Carolina (Mr. ERVIN), the Senator from Indiana (Mr. HARTKE), the Senator from Hawaii (Mr. INOUE), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Louisiana (Mr. LONG), the Senator from Minnesota (Mr. MONDALE), and the Senator from Georgia (Mr. RUSSELL) are necessarily absent.

I further announce that the Senator from Rhode Island (Mr. PELL) is absent on official business.

I further announce that, if present and voting, the Senator from North Carolina (Mr. ERVIN), the Senator from Hawaii (Mr. INOUE), the Senator from Louisiana (Mr. LONG), and the Senator from Nevada (Mr. BIBLE) would each vote "nay."

Mr. GRIFFIN. I announce that the Senator from Utah (Mr. BENNETT) is absent on official business as observer at the meeting of the Asian Development Bank in Korea.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from California (Mr. MURPHY) is necessarily absent.

On this vote, the Senator from South Dakota (Mr. MUNDT) is paired with the Senator from California (Mr. MURPHY). If present and voting, the Senator from South Dakota would vote "yea" and the Senator from California would vote "nay."

If present and voting, the Senator from Utah (Mr. BENNETT) would vote "nay."

The result was announced—yeas 19, nays 67, as follows:

[No. 126 Leg.]

YEAS—19

Allott	Fulbright	Pearson
Cook	Goldwater	Spong
Cotton	Hansen	Talmadge
Curtis	Hatfield	Thurmond
Dole	Hruska	Williams, Del.
Dominick	Jordan, Idaho	
Ellender	McClellan	

NAYS—67

Aiken	Gurney	Pastore
Allen	Harris	Percy
Baker	Hart	Prouty
Bellmon	Holland	Proxmire
Boggs	Hollings	Randolph
Brooke	Hughes	Ribicoff
Burdick	Jackson	Saxbe
Byrd, Va.	Javits	Schweiker
Byrd, W. Va.	Jordan, N.C.	Scott
Cannon	Magnuson	Smith, Maine
Case	Mansfield	Smith, Ill.
Church	Mathias	Sparkman
Cooper	McCarthy	Stennis
Cranston	McGee	Stevens
Dodd	McGovern	Symington
Eagleton	McIntyre	Tower
Eastland	Metcalf	Tydings
Fannin	Miller	Williams, N.J.
Fong	Montoya	Yarborough
Goodell	Moss	Young, N. Dak.
Gore	Muskie	Young, Ohio
Gravel	Nelson	
Griffin	Packwood	

NOT VOTING—14

Anderson	Hartke	Mundt
Bayh	Inouye	Murphy
Bennett	Kennedy	Pell
Bible	Long	Russell
Ervin	Mondale	

So Mr. CURTIS' amendment was rejected.

Mr. YARBOROUGH. Mr. President, I am pleased to support S. 3690, a bill to increase the pay of Federal employees and military personnel.

This legislation will provide 6-percent across-the-board increases for the salaries of Federal employees who are paid under statutory salary systems—the postal field service, the general schedule of the classified civil service, the Department of Medicine and Surgery in the Veterans' Administration, and the Foreign Service—and employees paid under other salary systems in the legislative, executive, and judicial branches of the

Government. The 6-percent increase will also apply to our military personnel.

The pay increase is made retroactive to the first day of the first pay period which began on or after December 27, 1969.

This legislation is based on the Federal salary comparability provisions of the Salary Reform Act of 1962 which attempts to adjust the wages of Federal employees to levels generally comparable with private industry.

This is a clean pay bill with no strings attached. There are no provisions in this bill for the administration's postal corporation tie-in or for President Nixon's proposed 4-cent increase of first-class letter mail from the present 6 to 10 cents. There are absolutely no strings attached to this pay raise. By voting for this pay raise no one is bound expressly or impliedly or in any manner whatsoever, to vote for a tearing up of the Post Office Department.

As the ranking senior member of the Committee on Post Office and Civil Service, I have been in the forefront of the fight for the comparability pay raise in this Congress as well as in the past Congresses. While I support at least the 6-percent increase proposed before the Senate today, I believe the bill does not go far enough in postal pay but it is a positive step to correct the injustice our dedicated, loyal public servants have endured too long. This increase is both justified and necessary.

Mr. President, I strongly urge Senators to join me in support of the bill.

Mr. BYRD of West Virginia. Mr. President, I shall cast my vote for S. 3690, the Federal Employees Salary Act of 1970.

This legislation provides a 6-percent across-the-board salary increase for most Federal employees. I am happy to note that military personnel and postal workers are also included.

Every day, our constituents place new demands upon our Government. In order to remain a strong country, our Government must attract into public service, the most qualified people available. A rapidly moving technological society can afford only the best in governmental leadership. This legislation will help to close the gap remaining between the wages of Federal employees and their counterparts in the private sector, who with similar skills, receive much more in monetary compensation.

Mr. President, these salary increases are for people who need pay increases. The lower and middle income American is always hit the hardest by the rising cost of living. Last year, I voted against legislation which doubled the salary of the President of the United States. I voted against increasing the salaries of the Vice President, Members of Congress, judges, and Cabinet members.

The real needs of the postal workers have at last been recognized. Today, in some areas, those on welfare receive more money from the Government, than do postal workers.

This bill will also provide a 6-percent increase for our military personnel. This will be money well spent, for I—as have other Senators—have received many letters from hard-pressed military families

who are unable to keep up with the rising cost of living under current military allowances. We owe much to these families, many of whom have personally carried the heavy burden of our involvement in Southeast Asia. The least we can do for these brave Americans, who are sent to Vietnam, is to give them the peace of mind that their families are more adequately provided for.

Mr. President, passage of this bill must not be construed to mean that strikes against the U.S. Government will be excused or even tolerated. Thousands of postal workers and Federal air traffic controllers have clearly violated statutes forbidding strikes against the Government.

During my 18 years of service in the U.S. House of Representatives and the U.S. Senate, I have consistently worked for and voted for adequate and proper salaries for our Federal employees. Federal employment is a position of trust, and a high sense of duty is owed by civil servants to the citizens of our Nation. But, the law is clear: Title V, section 7311, of the United States Code says:

An individual may not accept or hold a position in the Government of the United States or the government of the District of Columbia if he . . . participates in a strike, or asserts the right to strike, against the Government of the United States or the government of the District of Columbia.

Mr. President, the penalties for such strikes are a fine of not more than \$1,000, or imprisonment for not more than 1 year and a day, or both. Those who struck knew what they were doing. Each Federal employee is required to sign an affidavit on which this prohibition to strike against the Federal Government is clearly stated.

We cannot allow this flagrant violation of Federal law to go unnoticed. The growing trend, throughout the Nation, of indifference to the laws of our land cannot be overlooked by the Government itself. The enforcement of these laws cannot be subject to political expediency. If one group is permitted to strike against the Government, and granted amnesty, then other groups may do the same. The inevitable result would be the destruction of our form of government.

While I am certainly sympathetic toward the grievances of the air controllers and the postal workers—and I know of the difficult conditions under which they work—the American public must be assured of air transportation and mail service throughout the country. Concern for the benefits of a few, must not jeopardize the well-being of the Nation.

Mr. President, so far as I know, no postal employee in my State of West Virginia participated in the postal strike. I commend these fine men, they are a credit to their State and their Nation. The Congress has responded to this trust by providing more adequate compensation for our Federal workers. Public service should not mean financial sacrifice. This bill will go a long way in correcting previously existing inequities, and I am glad to be able to support it.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be pro-

posed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read a third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass? On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from Indiana (Mr. BAYH), the Senator from Nevada (Mr. BIBLE), the Senator from North Carolina (Mr. ERVIN), the Senator from Indiana (Mr. HARTKE), the Senator from Hawaii (Mr. INOUE), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Louisiana (Mr. LONG), the Senator from Minnesota (Mr. MCCARTHY), the Senator from Minnesota (Mr. MONDALE), and the Senator from Georgia (Mr. RUSSELL) are necessarily absent.

I further announce that the Senator from Rhode Island (Mr. PELL) is absent on official business.

I further announce that, if present and voting, the Senator from Nevada (Mr. BIBLE), the Senator from North Carolina (Mr. ERVIN), the Senator from Hawaii (Mr. INOUE), the Senator from Louisiana (Mr. LONG), and the Senator from Rhode Island (Mr. PELL) would each vote "yea."

Mr. GRIFFITH. I announce that the Senator from Utah (Mr. BENNETT) is absent on official business as observer at the meeting of the Asian Development Bank in Korea.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from California (Mr. MURPHY) is necessarily absent.

If present and voting, the Senator from Utah (Mr. BENNETT), the Senator from South Dakota (Mr. MUNDT), and the Senator from California (Mr. MURPHY) would each vote "yea."

The result was announced—yeas 84, nays 1, as follows:

[No. 127 Leg.]

YEAS—84

Aiken	Gore	Nelson
Allen	Gravel	Packwood
Allott	Griffin	Pastore
Baker	Gurney	Pearson
Bellmon	Hansen	Percy
Boggs	Harris	Prouty
Brooke	Hart	Proxmire
Burdick	Hatfield	Randolph
Byrd, Va.	Holland	Ribicoff
Byrd, W. Va.	Hollings	Saxbe
Cannon	Hruska	Schweiker
Case	Hughes	Scott
Church	Jackson	Smith, Maine
Cook	Javits	Smith, Ill.
Cooper	Jordan, N.C.	Sparkman
Cotton	Jordan, Idaho	Spong
Cranston	Magnuson	Stennis
Curtis	Mansfield	Stevens
Dodd	Mathias	Symington
Dole	McClellan	Talmadge
Dominick	McGee	Thurmond
Eagleton	McGovern	Tower
Eastland	McIntyre	Tydings
Fannin	Metcalfe	Williams, N.J.
Fong	Miller	Williams, Del.
Fulbright	Montoya	Yarborough
Goldwater	Moss	Young, N. Dak.
Goodell	Muskie	Young, Ohio

NAYS—1

Ellender

NOT VOTING—15

Anderson	Hartke	Mondale
Bayh	Inouye	Mundt
Bennett	Kennedy	Murphy
Bible	Long	Pell
Ervin	McCarthy	Russell

So the bill (S. 3690) was passed.

Mr. MANSFIELD. Mr. President, with the passage of this measure, the distinguished senior Senator from Wyoming (Mr. McGEE) has earned the highest commendation of the Senate. As chairman of the Committee on Post Office and Civil Service, he has exhibited a keen interest in and strong devotion to the needs and problems of all Federal workers. The Senate is deeply grateful.

The Senate is grateful as well for the strong cooperative efforts of the distinguished Senator from Hawaii (Mr. FONG). As the ranking minority member, his assistance and support were vital to the committee and to the swift and efficient action on this proposal today.

Notable too were the contributions of the distinguished Senator from Nebraska (Mr. CURTIS), the distinguished Senator from Louisiana (Mr. ELLENDER), and others. Their views, as always, were most thoughtful and highly valuable.

Our thanks go also to the able and distinguished Senator from Arkansas (Mr. FULBRIGHT) for his contribution. His always thoughtful views were appreciated and added considerably to the high quality of the debate.

Again, I wish to thank Senator McGEE, Senator FONG, and the entire Post Office and Civil Service Committee for their diligent attention and hard work on this measure. The Senate as a whole is also to be commended for its cooperative efforts on this measure. Those efforts enabled final disposition today.

TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that there now be a period for the transaction of routine morning business, with statements therein limited to 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

S. 3183—REFERRAL TO COMMITTEE ON COMMERCE; S. 2802—REFERRAL TO COMMITTEE ON PUBLIC WORKS WHEN REPORTED BY COMMITTEE ON COMMERCE; S. 2802—ADDITIONAL COSPONSORS

Mr. RANDOLPH. Mr. President, I ask unanimous consent that S. 3183, pending before the Committee on Public Works, be rereferred to the Committee on Commerce for consideration by that committee in conjunction with similar proposals dealing with coastal zone legislation before the Committee on Commerce.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. RANDOLPH. Mr. President, this matter has been discussed by the Senator from Maine (Mr. MUSKIE), the Senator from Delaware (Mr. BOGGS), of the Committee on Public Works, and the Senator from South Carolina (Mr. HOLLINGS), of the Committee on Commerce. It is my understanding that this procedure also has the approval of the chairman of the Committee on Commerce (Mr. MAGNUSON).

Mr. President, I ask unanimous consent to have printed in the RECORD at this point a statement by the Senator from South Carolina (Mr. HOLLINGS) and a letter from the Senator from Delaware and the Senator from Maine addressed to the Senator from South Carolina describing the agreement.

There being no objection, the statement and letter were ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR HOLLINGS

On behalf of the Committee on Commerce and its Subcommittee on Oceanography I am pleased to say that we shall accept the re-referral of S. 3183. We shall include it among the coastal zone management bills on which we are now holding hearings and in the other deliberations of the Committee. We agree that any legislation reported on this subject will be referred for a period of time to be agreed upon to the Committee on Public Works for consideration of rivers and harbors and pollution aspects of the legislation. We shall welcome having the Committee on Public Works participate with us when representatives of the Administration are heard.

MARCH 19, 1970.

HON. ERNEST F. HOLLINGS,
U.S. Senate,
Washington, D.C.

DEAR FRITZ: Pursuant to conversations by the staff of the Committee on Public Works and the staff of the Senate Commerce Committee regarding pending Coastal Zone legislation, Senator Boggs and I are pleased to cooperate with your request for referral of S. 3183 to the Commerce Committee to be considered with S. 2802 and S. 3460.

We understand that the unanimous consent agreement for re-referral of this legislation will indicate that any legislation reported on this subject will be referred for a period of time to be agreed upon to the Senate Committee on Public Works for consideration of rivers and harbors and pollution aspects of that legislation.

Further we understand that Joint hearings will be held on this legislation with the Committee on Public Works at the time you hear Administration witnesses.

We are also pleased that the Senate Commerce Committee will consider at an early date Senator Muskie's proposed legislation relating to Marine Sanctuaries.

Please let us know when you want to engage in a floor colloquy regarding re-referral of S. 3183.

Sincerely,

EDMUND S. MUSKIE.
J. CALIB BOGGS.

Mr. RANDOLPH. Mr. President, I further ask unanimous consent that S. 2802, pending before the Committee on Commerce, be automatically referred to the Committee on Public Works, when reported by the Committee on Commerce. This would be for a period of 30 legislative days, for consideration of

DIGEST of Congressional Proceedings

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF BUDGET AND FINANCE
(FOR INFORMATION ONLY;
NOT TO BE QUOTED OR CITED)

For actions of April 9, 1970
91st-2nd; No. 56

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HIGHLIGHTS: House passed pay bill.

HOUSE

1. PAY; PERSONNEL. Passed with amendments S. 3690 (substituting the language of H. R. 16844), the proposed Federal Employees Salary Act of 1970 (pp. H2775-97). Earlier in the day the Civil Service Committee had reported H. R. 16844 with amendments (H. Report No. 91-992), and the Rules Committee had reported a resolution for consideration of the bill. p. H2837
2. RESEARCH. The Science and Astronautics Committee reported H. R. 16595, to authorize appropriations for activities of the National Science Foundation (H. Report No. 91-991). p. H2837

3. APPROPRIATIONS. The Appropriations Committee reported H. R. 16900, making appropriations for the Treasury and Post Office Departments, the Executive Office of the President, and certain independent agencies for fiscal year 1971 (H. Report No. 91-994); H. R. 16915, making appropriations for the legislative branch for fiscal year 1971 (H. Report No. 91-995); and H. R. 16916, making appropriations for the Office of Education for fiscal year 1971 (H. Report No. 91-996). p. H2837
4. SOLID WASTE. The Interstate and Foreign Commerce subcommittee approved for full committee action H. R. 11833, amended, to amend the Solid Waste Disposal Act in order to provide financial assistance for the construction of solid waste disposal facilities. p. D335
5. ECONOMICS. Rep. Barrett suggested that tight money and high interest policies must be changed. pp. H2798-9
6. EDUCATION; APPROPRIATIONS. Rep. Michel inserted a compilation of Federal expenditures for education, which includes Extension Service programs of this Department. pp. H2812-23
7. FOOD PACKAGING. Rep. Farbstein outlined the provisions of his proposed bill which would require the open dating of packaged foods, and inserted a report prepared on this subject. pp. H2825-31
8. LEGISLATIVE PROGRAM. Rep. Albert announced that on Mon., April 13, the House will consider the Treasury-Post Office and Office of Education appropriation bills. pp. H2807-8
9. ADJOURNED until Mon., April 13. p. H2808

SENATE

10. PAY RAISE; PERSONNEL. Concurred in House amendment with amendments of a clarifying technical nature to S. 3690, proposed Federal Employees Salary Act of 1970; the bill goes back to the House for further action. pp. S5510-1
11. BEEF PRICES. Sen. Hansen criticized the "so-called secret report issued by the subcommittee on Special Studies of the House Government Operations Committee" which "seeks to convey the impression that American consumers are paying excessive prices for their beef, and that the reason for this cost is that there is a 'critical shortage' in the availability of beef." Several Senators joined in the criticism and a Department table was inserted showing beef prices over the past 20 years. pp. S5412-9
12. LEGISLATIVE SCHEDULE. Sen. Mansfield submitted a schedule of legislative activity for the week of April 13, indicating that S. 1148 to give land grant status for the College of the Virgin Islands and University of Guam, will be voted on Thursday. p. S5510
13. WILDERNESS; NATIONAL FOREST. Committee on Interior and Insular Affairs concluded hearings on S. 3222, to designate wilderness land in the Wichita Mountains Nat'l Wildlife Refuge; S. 709, to designate as wilderness certain lands in Florida, Georgia and Arizona; and S. 3279, to extend boundaries of the Toiyabe Nat'l Forest in Nevada. p. D332

FEDERAL EMPLOYEES SALARY ACT OF 1970

APRIL 9, 1970.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed.

Mr. UDALL, from the Committee on Post Office and Civil Service, submitted the following

REPORT

[To accompany H.R. 16844]

The Committee on Post Office and Civil Service, to whom was referred the bill (H.R. 16844) to increase the pay of Federal employees, and for other purposes, having considered the same, report favorably thereon with amendments and recommend that the bill as amended do pass.

AMENDMENTS

The amendments are as follows:

- (1) Page 2, line 24, strike out the quotation marks.
- (2) Page 3, lines 7 and 8, strike out "the date on which adjustments become effective under this section," and insert in lieu thereof "December 27, 1969,".
- (3) Page 3, line 13, strike out the quotation marks.
- (4) Page 3, line 16, strike out the quotation marks.
- (5) Page 3, line 18, strike out the quotation marks.
- (6) Page 3, line 21, strike out the quotation marks.
- (7) Page 3, line 25, strike out "Parliamen-" and all that follows down through the period in line 3 on page 4 and insert in lieu thereof the following: "Parliamentarian, Chaplain, Clerk, Sergeant at Arms, Doorkeeper, Postmaster, and the four Floor Assistants to the Minority whose position titles formerly were Minority Clerk, Minority Sergeant at Arms, Minority Doorkeeper, and Minority Postmaster.".
- (8) Page 4, line 4, strike out the quotation marks.
- (9) Page 4, line 19, strike out the quotation marks.
- (10) Page 5, line 1, strike out the quotation marks.
- (11) Page 5, line 2, strike out "an executive agency" and insert in lieu thereof "the Federal Government".
- (12) Page 12, line 2, strike out "December" and insert in lieu thereof "December".

EXPLANATION OF THE AMENDMENTS

All of the amendments are technical in nature and correct omissions, mistakes, or typographical errors in the bill as introduced.

PURPOSE

The general purpose of this legislation is to provide 6-percent salary increases, retroactive to the first pay period beginning on or after December 27, 1969, for Federal employees who are customarily included in general salary bills reported by the Committee on Post Office and Civil Service.

The bill also (1) corrects an inequity in the system of premium compensation of certain employees whose work schedules cannot be administratively controlled, (2) provides for an allowance for a small number of employees whose duty stations are at remote sites, (3) authorizes payment of allowances in lieu of quarters and subsistence for certain employees engaged in floating plant operations, (4) provides salary increases for District of Columbia judges, and (5) increases the amount of the allowance for salaries of staffs of former Presidents of the United States.

STATEMENT

The 6-percent general salary increases provided by this legislation constitute a major advance in the Committee's program to achieve true comparability between salary rates for Federal employees and salary rates paid in private enterprise for equal levels of duties and responsibilities.

This policy of comparability was first laid down by the Congress in the Postal Service and Federal Employees Salary Act of 1962. But neither that act nor any of the four subsequent general salary bills enacted by the Congress have fully corrected the timelag which has kept Federal salary rates well behind the appropriate salary rates in private enterprise. At the present time, Federal salaries are comparable to private enterprise salaries that were being paid in June of 1968—a 21-month timelag.

H.R. 16844 places Federal salaries on a par with private enterprise salaries in June of 1969. Thus, by reason of its effective date, the bill reduces the timelag to 6 months—a period reasonably consistent with the intention of the Congress in the enactment of the comparability policy in 1962.

The salary adjustments provided by this legislation also are in accordance with the intention expressed by the Committee on Post Office and Civil Service in the report accompanying the bill which became the Federal Salary Act of 1967. As explained in that report, the three-phase Federal employees' salary increases provided in the act were designed to reduce the time lag in comparability and, as well—by being applied over an 18-month period—to allow the committee and the Congress needed time to develop a permanent system of salary adjustments which would currently maintain reasonable comparability salary relationships, to finally implement the policy first laid down in the 1962 act.

The increases will apply to employees who are paid under the four statutory salary systems—the General Schedule, the Postal Field

Service Schedule, the schedule of the Department of Medicine and Surgery in the Veterans' Administration, and the Foreign Service schedules. They will also apply to other groups of employees who have been included in past salary bills, such as employees whose rates are fixed by administrative action under other laws, employees in the judicial branch, Agricultural Stabilization and Conservation Service employees, and legislative employees.

The increases will not apply to the salaries of these officers of the House: Parliamentarian, Chaplain, Clerk, Sergeant at Arms, Doorkeeper, Postmaster, and four Floor Assistants to the Minority, whose position titles formerly were Minority Clerk, Minority Sergeant at Arms, Minority Doorkeeper, and Minority Postmaster.

The salary increases for District of Columbia judges provided by the bill establish the salaries of those judges at the rates approved by the House of Representatives in the District of Columbia crime bill (S. 2601). Salary adjustments for these judges were inadvertently omitted from the language of the Federal Salary Act of 1967 which provided, through the operation of a Commission on executive, legislative, and judicial salaries, for recommendations by the President, based on the Commission's report, for increases in the salaries of Federal executives and judges, among others.

Pursuant to those provisions in the 1967 act, the salaries of Federal judges have been substantially increased, but there have been no related adjustments in the salaries of District of Columbia judges.

H.R. 16844 corrects this oversight and provides new salary rates for District of Columbia judges which partially restore the relationships of their salaries to the salaries of Federal judges as in effect prior to the increases for the Federal judges under the 1967 act.

The bill also provides for an increase in the aggregate amount of money available for the payment of salaries of staffs of former Presidents of the United States. The present aggregate amount of \$80,000 a year for each such former President will be increased to \$96,000. This reflects an increase equal to the average percentage increase in the General Schedule which has occurred since the amount of \$80,000 was established in 1967.

COSTS

The annual cost of the 6-percent general salary increase will be \$1.3 billion.

The cost of salary adjustments for the staffs of former Presidents of the United States, Truman and Johnson, is \$32,000 a year.

The cost of salary adjustments for legislative employees will be \$6.8 million a year, and is included in the estimate of \$1.3 billion above.

The annual cost of the miscellaneous benefits under sections 8, 9, and 10 of the bill will not exceed \$100,000.

Increases in pay of military personnel provided for by Public Law 90-207 will result in an additional cost to the Government of \$1.2 billion annually.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3 of Rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as

reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in *italic*, existing law in which no change is proposed is shown in roman):

SECTION 1(b) OF THE ACT OF AUGUST 25, 1958

* * * * *

(b) The Administrator of General Services shall, without regard to the civil service and classification laws, provide for each former President an office staff. Persons employed under this subsection shall be selected by the former President and shall be responsible only to him for the performance of their duties. Each former President shall fix basic rates of compensation for persons employed for him under this paragraph which in the aggregate shall not exceed **[\$80,000]** *\$96,000* per annum. The annual rate of compensation payable to any such person shall not exceed the highest annual rate of basic pay now or hereafter provided by law for positions at level II of the Executive Schedule under section 5313 of title 5, United States Code.

Section 11-702 of the District of Columbia Code

(a) The District of Columbia Court of Appeals shall consist of a chief judge and five associate judges appointed by the President of the United States, by and with the advice and consent of the Senate.

(b) A person may not be appointed as a judge of the court unless he:

(1) is a bona fide resident of the area consisting of the District of Columbia, Montgomery, and Prince Georges Counties in Maryland, Arlington, and Fairfax Counties in Virginia, and the city of Alexandria, Virginia, and has maintained an actual place of abode in the area for at least 5 years prior to his appointment; and

(2) has been actively engaged in the practice of law in the District of Columbia for a period of at least 5 years immediately prior to his appointment.

(c) Each judge shall be appointed or reappointed for a term of 10 years, which terms shall be staggered as heretofore provided for; and he shall continue in office until the appointment and qualification of his successor.

(d) The chief judge shall receive an annual salary of **[\$29,000]** *\$36,500*, and each associate judge shall receive an annual salary of **[\$28,500]** *\$36,000*.

Section 11-902 of the District of Columbia Code

(a) The District of Columbia Court of General Sessions shall consist of a chief judge and 22 associate judges appointed by the President of the United States, by and with the advice and consent of the Senate.

(b) A person may not be appointed as a judge of the court unless he:

(1) is a bona fide resident of the area consisting of the District of Columbia, Montgomery and Prince Georges Counties in Maryland, Arlington and Fairfax Counties in Virginia, and the city of Alexandria, Virginia, and has maintained an actual place of abode in the area for at least 5 years prior to his appointment; and

(2) has been a member of the bar of the District of Columbia for a period of at least 5 years, and, for a period of at least 5 consecutive years immediately prior to his appointment, either has been actively engaged in the practice of law or has been employed as an attorney in the District in the Government of the United States or in the government of the District of Columbia.

(c) Each judge shall be appointed or reappointed for a term of 10 years each, which terms shall be staggered as heretofore provided for; and he shall continue in office until the appointment and qualification of his successor.

(d) The chief judge shall receive an annual salary of **[\$28,000]** \$34,500, and each associate judge shall receive an annual salary of **[\$27,500]** \$34,000.

Section 47-2402 of the District of Columbia Code

The Commissioners shall appoint a board of one person, subject to removal by the Commissioners, to be called the Board of Tax Appeals for the District of Columbia, which person shall be a citizen of the United States. Such person shall be appointed for the term of 10 years, except such appointment as may be made for the remainder of an unexpired term. Any vacancy caused by death, resignation, or otherwise shall be filled by the Commissioners only for an unexpired term. Such person shall be eligible for reappointment. Such person shall be an attorney and in active practice of law for at least 10 years next preceding his appointment.

The salary of such person so appointed shall be **[\$27,500]** \$34,000 per annum. The commissioners are authorized to employ such other personal services as may be necessary to carry out the provisions of this chapter and to provide for the expenses of the board. The salaries of employees other than the Board shall be fixed in accordance with section 305, chapter 51, subchapter III of chapter 53, and sections 5341, 4342, 5509, and 7154 of title 5, United States Code (relating to the classification of Government employees and related matters), but such employees shall be appointed without regard to civil service requirements. The Commissioners shall include in their annual estimates such amounts as may be required for the salaries and expenses herein authorized.

TITLE 5, UNITED STATES CODE

* * * * *

Chapter 55.—PAY ADMINISTRATION

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SUBCHAPTER V.—PREMIUM PAY

* * * * *

§ 5545. Night, Sunday, standby, irregular, and hazardous duty differential

* * * * *

(c) The head of an agency, with the approval of the Civil Service Commission, may provide that—

(1) an employee in a position requiring him regularly to remain at, or within the confines of, his station during longer than

ordinary periods of duty, a substantial part of which consists of remaining in a standby status rather than performing work, shall receive premium pay for this duty on an annual basis instead of premium pay provided by other provisions of this subchapter, except for irregular, unscheduled overtime duty in excess of his regularly scheduled weekly tour. Premium pay under this paragraph is determined as an appropriate percentage, not in excess of 25 percent, of such part of the rate of basic pay for the position as does not exceed the minimum rate of basic pay for GS-10 (or, for a position described in section 5542(a)(3) of this title, of the basic pay of the position), by taking into consideration the number of hours of actual work required in the position, the number of hours required in a standby status at or within the confines of the station, the extent to which the duties of the position are made more onerous by night, Sunday, or holiday work, or by being extended over periods of more than 40 hours a week, and other relevant factors; or

[(2) an employee in a position in which the hours of duty cannot be controlled administratively, and which requires substantial amounts of irregular, unscheduled, overtime duty and duty at night, on Sundays, and on holidays with the employee generally being responsible for recognizing, without supervision, circumstances which require him to remain on duty, shall receive premium pay for this duty on an annual basis instead of premium pay provided by other provisions of this subchapter, except for regularly scheduled overtime duty. Premium pay under this paragraph is determined as an appropriate percentage, not less than 10 percent nor more than 25 percent, of such part of the rate of basic pay for the position as does not exceed the minimum rate of basic pay for GS-10, by taking into consideration the frequency and duration of night, holiday, Sunday, and unscheduled overtime duty required in the position.]

(2) an employee in a position in which the hours of duty cannot be controlled administratively, and which requires substantial amounts of irregular, unscheduled, overtime duty with the employee generally being responsible for recognizing, without supervision, circumstances which require him to remain on duty, shall receive premium pay for this duty on an annual basis instead of premium pay provided by other provisions of this subchapter, except for regularly scheduled overtime, night, and Sunday duty, and for holiday duty. Premium pay under this paragraph is determined as an appropriate percentage, not less than 10 per centum nor more than 25 per centum, of such part of the rate of basic pay for the position as does not exceed the minimum rate of basic pay for GS-10, by taking into consideration the frequency and duration of irregular unscheduled overtime duty required in the position.

* * * * *

Chapter 59.—ALLOWANCES

* * * * *

SUBCHAPTER IV.—MISCELLANEOUS ALLOWANCES

5941. Allowances based on living costs and conditions of environment; employees stationed outside continental United States or in Alaska.

[5942. Allowance based on duty on California offshore islands or at Nevada Test Site.]

5942. Allowance based on duty at remote worksites.

5943. Foreign currency appreciation allowances.

5944. Illness and burial expenses; native employees in foreign countries.

5945. Notary public commission expenses.

5946. Membership fees; expenses of attendance at meetings; limitations.

5947. Quarters, subsistence, and allowances for employees of the Corps of Engineers, Department of the Army, engaged in floating plant operations.

* * * * *

[§ 5942. Allowance based on duty on California offshore islands or at Nevada Test Site.

[Notwithstanding section 5536 of this title, an employee who is assigned to duty, except temporary duty, on one of the California offshore islands or at the United States Atomic Energy Commission Nevada Test Site, including the Nuclear Rocket Development Station, is entitled, in addition to pay otherwise due him, to an allowance of not to exceed \$10 a day. However, the allowance shall be paid under regulations prescribed by the President establishing the rates at which the allowance will be paid and defining the areas and groups of positions to which the rates apply.**]**

§ 5942. Allowance based on duty at remote worksites

Notwithstanding section 5536 of this title, an employee of an Executive department or independent establishment who is assigned to duty, except temporary duty, at a site so remote from the nearest established communities or suitable places of residence as to require an appreciable amount of expense, hardship, and inconvenience on the part of the employee in commuting to and from his residence and such worksite is entitled, in addition to pay otherwise due him, to an allowance of not to exceed \$10 a day. The allowance shall be paid under regulations prescribed by the President establishing the rates at which the allowance will be paid and defining and designating those sites, areas, and groups of positions to which the rates apply.

* * * * *

§ 5947. Quarters, subsistence, and allowances for employees of the Corps of Engineers, Department of the Army, engaged in floating plant operations

(a) *An employee of the Corps of Engineers, Department of the Army, engaged in floating plant operations may be furnished quarters or subsistence, or both, on vessels, without charge, when the furnishing of the quarters or subsistence, or both, is determined to be equitable to the employee concerned, and necessary in the public interest, in connection with such operations.*

(b) *Notwithstanding section 5536 of this title, an employee entitled to the benefits of subsection (a) of this section while on a vessel, may be paid, in place of these benefits, an allowance for quarters or subsistence, or both, when—*

(1) adverse weather conditions or similar circumstances beyond the control of the employee or the Corps of Engineers prevent transportation of the employee from shore to the vessel or

(2) quarters or subsistence, or both, are not available on the vessel while it is undergoing repairs.

(c) *The quarters or subsistence, or both, or allowance in place thereof, may be furnished or paid only under regulations prescribed by the Secretary of the Army.*

ACT OF MAY 13, 1955

(69 Stat. 48; Public Law 35, 84th Cong.)

[AN ACT

[To authorize the furnishing of subsistence and quarters without charge to employees of the Corps of Engineers engaged on floating plant operations

[Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding the provisions of section 3 of the Act of March 5, 1928, employees of the Corps of Engineers, Department of the Army, engaged on floating plant operations may be furnished subsistence and/or quarters on vessels without charge whenever messing and/or quartering are determined to be equitable to the employees and to be necessary in the public interest in connection with such operations. Any such subsistence and quarters shall be furnished in accordance with standards prescribed by the Secretary of the Army.]

○

Union Calendar No.460

91ST CONGRESS
2D SESSION

H. R. 16844

[Report No. 91-992]

IN THE HOUSE OF REPRESENTATIVES

APRIL 8, 1970

Mr. UDALL (for himself, Mr. DULSKI, Mr. CORBETT, Mr. OLSEN, Mr. DANIELS of New Jersey, Mr. NIX, Mr. HAMILTON, Mr. CHARLES H. WILSON, Mr. BRASCO, Mr. BUTTON, and Mr. HOGAN) introduced the following bill; which was referred to the Committee on Post Office and Civil Service

APRIL 9, 1970

Reported with amendments, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

APRIL 9, 1970

Considered and passed

[Omit the part struck through and insert the part printed in italic]

A BILL

To increase the pay of Federal employees, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That this Act may be cited as the "Federal Employees Salary
4 Act of 1970".

5 SEC. 2. (a) (1) The President shall increase the rates
6 of basic pay, basic compensation, and salaries (as such rates
7 were increased by Executive Order Numbered 11474, dated
8 June 16, 1969) contained in the schedules listed in para-

graph (2) of this subsection by amounts equal, as nearly as may be practicable and with regard to maintaining approximately equal increments within any grade, level, or class of any such schedule, to 6 percent.

(2) The schedules referred to in paragraph (1) of this subsection are as follows: the General Schedule contained in section 5332 (a) of title 5, United States Code; the Postal Field Service Schedule and the Rural Carrier Schedule contained in sections 3542 (a) and 3543 (a), respectively, of title 39, United States Code; the schedules relating to certain positions within the Department of Medicine and Surgery of the Veterans' Administration and contained in section 4107 of title 38, United States Code; and the Foreign Service schedules contained in sections 412 and 415 of the Foreign Service Act of 1946.

(b) Rates of basic pay, basic compensation, and salaries of officers and employees paid under the schedules referred to in subsection (a) of this section shall be increased initially under conversion rules prescribed by the President or by such agency as the President may designate.

(c) The increases made by the President under this section shall have the force and effect of law and shall be printed (1) in the Statutes at Large in the same volume as public laws, (2) the Federal Register, and (3) the Code of Federal Regulations.

1 ~~“SEC. 3.~~ *SEC. 3.* (a) The rates of pay of personnel
 2 subject to sections 210 and 214 of the Federal Salary Act of
 3 1967 (81 Stat. 633, 635; Public Law 90-206), relating to
 4 Agricultural Stabilization and Conservation County Com-
 5 mittee employees and to certain employees of the legislative
 6 branch of the Government, respectively, and any minimum
 7 or maximum rate, limitation, or allowance applicable to any
 8 such personnel, shall be adjusted, effective on the first day
 9 of the first pay period which begins on or after the date
 10 ~~on which adjustments become effective under this section;~~
 11 *December 27, 1969*, by amounts which are identical, insofar
 12 as practicable, to the amounts of the adjustments under this
 13 section for corresponding rates of pay for employees subject
 14 to the General Schedule, by the following authorities—

15 ~~“(1)~~ (1) the Secretary of Agriculture, with respect
 16 to individuals employed by the county committees estab-
 17 lished under section 590h (b) of title 16;

18 ~~“(2)~~ (2) the Comptroller of the Senate, with re-
 19 spect to the United States Senate;

20 ~~“(3)~~ (3) the Finance Clerk of the House of Repre-
 21 sentatives, with respect to the United States House of
 22 Representatives; and

23 ~~“(4)~~ (4) the Architect of the Capitol, with respect
 24 to the Office of the Architect of the Capitol.

25 The provisions of this section shall not be construed to

1 allow adjustments in the rates of pay of the following officers
 2 of the United States House of Representatives: ~~Parliamen-~~
 3 ~~tarian, Chaplain, Clerk, Minority Clerk, Sergeant at Arms,~~
 4 ~~Minority Sergeant at Arms, Doorkeeper Minority Door-~~
 5 ~~keeper, Postmaster, Minority Postmaster. Parliamentary,~~
 6 *Chaplain, Clerk, Sergeant at Arms, Doorkeeper, Postmaster,*
 7 *and the four Floor Assistants to the Minority whose position*
 8 *titles formerly were Minority Clerk, Minority Sergeant at*
 9 *Arms, Minority Doorkeeper, and Minority Postmaster.*

10 ~~“(b)~~ (b) Notwithstanding section 665 of title 31, the
 11 rates of pay of employees in and under the judicial branch of
 12 the Government, whose rates of pay are fixed by administra-
 13 tive action pursuant to law and are not otherwise adjusted
 14 under this section may be adjusted, effective on the first day
 15 of the first pay period which begins on or after December 27,
 16 1969, by amounts not to exceed the amounts of the adjust-
 17 ments under section 2 (a) of this Act for corresponding rates
 18 of pay. The limitations fixed by law with respect to the ag-
 19 gregate salaries payable to secretaries and law clerks of cir-
 20 cuit and district judges shall be adjusted, effective on the first
 21 day of the first pay period which begins on or after the date
 22 on which adjustments become effective under this section, by
 23 amounts not to exceed the amounts of the adjustments under
 24 this section for corresponding rates of pay.

25 ~~“(e)~~ (c) The rates of pay of United States attorneys

1 and assistant United States attorneys whose annual salaries
2 are fixed pursuant to section 548 of title 28, United States
3 Code, shall be increased, effective on the first day of the
4 first pay period which begins on or after December 27, 1969,
5 by amounts equal, as nearly as may be practicable, to the
6 increases provided pursuant to section 2 of this Act for
7 corresponding rates of pay.

8 ~~“(d)~~ (d) Notwithstanding section 665 of title 31, the
9 rates of pay of employees of ~~an executive agency~~ *the Federal*
10 *Government* and of the government of the District of Co-
11 lumbia whose rates of pay are fixed by administrative action
12 pursuant to law and are not otherwise increased pursuant to
13 this section are hereby authorized to be increased, effective
14 on the first day of the first pay period which begins on or
15 after December 27, 1969, by amounts not to exceed the in-
16 creases provided pursuant to section 2 of this Act for cor-
17 responding rates of pay in the appropriate schedule or scale
18 of pay.

19 SEC. 4. (a) An increase in pay, compensation, or
20 salary which becomes effective under section 2 of this Act is
21 not an equivalent increase in pay within the meaning of sec-
22 tion 5335 of title 5, United States Code, or section 3552 of
23 title 39, United States Code.

24 (b) Nothing in this Act shall impair any authority pur-

1 suant to which rates of pay, compensation, or salary may be
2 fixed by administrative action.

3 (c) Notwithstanding any other provision of this Act—

4 (1) any officer or employee of the United States
5 Government receiving pay, compensation, or salary
6 which is less than the basic pay for level V of the Execu-
7 tive Schedule in section 5316 of title 5, United States
8 Code, in effect on the date of enactment of this Act, shall
9 not have his pay, compensation, or salary increased, by
10 reason of the enactment of this Act, to a rate in excess of
11 the basic pay for such level V; and

12 (2) any officer or employee of the United States
13 Government receiving pay, compensation, or salary
14 equal to or in excess of the basic pay for such level V
15 shall not have his pay, compensation, or salary in-
16 creased.

17 SEC. 5. (a) Retroactive pay, compensation, or salary
18 shall be paid by reason of this Act only in the case of an
19 individual in the service of the United States (including
20 service in the Armed Forces of the United States) or the
21 municipal government of the District of Columbia on the date
22 of enactment of this Act, except that such retroactive pay,
23 compensation, or salary shall be paid—

24 (1) to an officer or employee who retired, during
25 the period beginning on the first day of the first pay

1 period which began on or after December 27, 1969, and
2 ending on the date of enactment of this Act, for services
3 rendered during such period; and

4 (2) in accordance with subchapter VIII of chapter
5 55 of title 5, United States Code, relating to settlement
6 of accounts, for services rendered, during the period
7 beginning on the first day of the first pay period which
8 began on or after December 27, 1969, and ending on
9 the date of enactment of this Act, by an officer or em-
10 ployee who died during such period.

11 Such retroactive pay, compensation, or salary shall not be
12 considered as basic pay for the purposes of subchapter III
13 of chapter 83 of title 5, United States Code, relating to
14 civil service retirement, or any other retirement law or re-
15 tirement system, in the case of any such retired or deceased
16 officer or employee.

17 (b) For the purposes of this section, service in the
18 Armed Forces of the United States, in the case of an indi-
19 vidual relieved from training and service in the Armed
20 Forces of the United States or discharged from hospitaliza-
21 tion following such training and service, shall include the
22 period provided by law for the mandatory restoration of
23 such individual to a position in or under the United States
24 Government or the municipal government of the District of
25 Columbia.

1 SEC. 6. (a) Section 11-702 (d) of the District of Co-
2 lumbia Code is amended by striking out “\$29,000” and
3 “\$28,500” and inserting in lieu thereof “\$36,500” and
4 “\$36,000”, respectively.

5 (b) Section 11-902 (d) of the District of Columbia
6 Code is amended by striking out “\$28,000” and “\$27,500”,
7 and inserting in lieu thereof “\$34,500” and “\$34,000”,
8 respectively.

9 (c) The first sentence of the second paragraph of section
10 2 of the District of Columbia Revenue Act of 1937, as
11 amended (D.C. Code, sec. 47-2402), is amended by strik-
12 ing out “\$27,500” and inserting in lieu thereof “\$34,000”.

13 SEC. 7. The third sentence of subsection (b) of the first
14 section of the Act of August 25, 1958, as amended (3 U.S.C.
15 102 note), is amended by striking out “\$80,000” and in-
16 serting in lieu thereof “\$96,000”.

17 SEC. 8. Section 5545 (c) (2) of title 5, United States
18 Code, is amended to read as follows:

19 “(2) an employee in a position in which the hours
20 of duty cannot be controlled administratively, and which
21 requires substantial amounts of irregular, unscheduled,
22 overtime duty with the employee generally being re-
23 sponsible for recognizing, without supervision, circum-
24 stances which require him to remain on duty, shall
25 receive premium pay for this duty on an annual basis

1 instead of premium pay provided by other provisions
2 of this subchapter, except for regularly scheduled over-
3 time, night, and Sunday duty, and for holiday duty.
4 Premium pay under this paragraph is determined as
5 an appropriate percentage, not less than 10 per centum
6 nor more than 25 per centum, of such part of the rate
7 of basic pay for the position as does not exceed the
8 minimum rate of basic pay for GS-10, by taking into
9 consideration the frequency and duration of irregular
10 unscheduled overtime duty required in the position.”.

11 SEC. 9. (a) Section 5942 of title 5, United States Code,
12 is amended to read as follows:

13 **“§ 5942. Allowance based on duty at remote worksites**

14 “Notwithstanding section 5536 of this title, an employee
15 of an Executive department or independent establishment
16 who is assigned to duty, except temporary duty, at a site so
17 remote from the nearest established communities or suitable
18 places of residence as to require an appreciable amount of
19 expense, hardship, and inconvenience on the part of the
20 employee in commuting to and from his residence and such
21 worksite is entitled, in addition to pay otherwise due him, to
22 an allowance of not to exceed \$10 a day. The allowance shall
23 be paid under regulations prescribed by the President estab-
24 lishing the rates at which the allowance will be paid and

1 defining and designating those sites, areas, and groups of
2 positions to which the rates apply.”.

3 (b) Notwithstanding section 5536 of title 5, United
4 States Code, and the amendment made by subsection (a)
5 of this section, and until the effective date of regulations pre-
6 scribed by the President under such amendment—

7 (1) allowances may be paid to employees under
8 section 5942 of title 5, United States Code, and the
9 regulations prescribed by the President under such sec-
10 tion, as in effect immediately prior to the effective date
11 of this section; and

12 (2) such regulations may be amended or revoked
13 in accordance with such section 5942 as in effect im-
14 mediately prior to the effective date of this section.

15 (c) The table of contents of subchapter IV of chapter
16 59 of title 5, United States Code, is amended by striking
17 out—

“5942. Allowance based on duty on California offshore islands or at
Nevada Test Site.”

18 and inserting in lieu thereof—

“5942. Allowance based on duty at remote worksites.”.

19 SEC. 10. (a) Subchapter IV of chapter 59 of title 5,
20 United States Code, is amended by adding at the end thereof
21 the following new section:

1 “§ 5947. Quarters, subsistence, and allowances for em-
2 ployees of the Corps of Engineers, Department
3 of the Army, engaged in floating plant opera-
4 tions

5 “(a) An employee of the Corps of Engineers, Depart-
6 ment of the Army, engaged in floating plant operations may
7 be furnished quarters or subsistence, or both, on vessels,
8 without charge, when the furnishing of the quarters or sub-
9 sistence, or both, is determined to be equitable to the em-
10 ployee concerned, and necessary in the public interest, in
11 connection with such operations.

12 “(b) Notwithstanding section 5536 of this title, an
13 employee entitled to the benefits of subsection (a) of this
14 section while on a vessel may be paid, in place of these
15 benefits, an allowance for quarters or subsistence, or both,
16 when—

17 “(1) adverse weather conditions or similar cir-
18 cumstances beyond the control of the employee or the
19 Corps of Engineers prevent transportation of the em-
20 ployee from shore to the vessel; or

21 “(2) quarters or subsistence, or both, are not
22 available on the vessel while it is undergoing repairs.

23 “(c) The quarters or subsistence, or both, or allowance

1 in place thereof, may be furnished or paid only under
2 regulations prescribed by the Secretary of the Army.”.

3 (b) The table of sections of subchapter IV of chapter 59
4 of title 5, United States Code, is amended by adding—

“5947. Quarters subsistence, and allowances for employees of the Corps
of Engineers, Department of the Army, engaged in floating
plant operations.”

5 immediately below—

“5946. Membership fees; expenses of attendance at meetings; limita-
tions.”.

6 (c) The Act entitled “An Act to authorize the furnish-
7 ing of subsistence and quarters without charge to employees
8 of the Corps of Engineers engaged on floating plant opera-
9 tions”, approved May 13, 1955 (69 Stat. 48; Public Law
10 35, Eighty-fourth Congress) is repealed.

11 SEC. 11. (a) Sections 1 to 6, inclusive, of this Act shall
12 become effective on the first day of the first pay period which
13 begins on or after ~~December~~ *December* 27, 1969.

14 (b) This section and sections 7 to 10, inclusive, of this
15 Act shall become effective on the date of enactment of this
16 Act.

17 (c) For purposes of determining the amount of insur-
18 ance for which an individual is eligible under chapter 87
19 of title 5, United States Code, relating to group life insur-
20 ance for Government employees, all changes in rates of pay,
21 compensation, and salary which result from the enactment

1 of this Act shall be held and considered to become effective
2 as of the date of such enactment.

3 (d) Any deduction to be made as the result of the enact-
4 ment of this Act from the pay, compensation, or salary of
5 an officer or employee enrolled in a retirement system of the
6 United States Government, and the contribution of the agency
7 employing the officer or employee, shall be made at the
8 rates of deductions and contributions in effect for that system
9 on the date of such enactment.

[Report No. 91-992]

A BILL

To increase the pay of Federal employees, and
for other purposes.

By Mr. UPAIL, Mr. DULSKI, Mr. CORBETT, Mr.
OLSEN, Mr. DANIELS of New Jersey, Mr. NIX,
Mr. HAMILTON, Mr. CHARLES H. WILSON,
Mr. BRASCO, Mr. BUTTON, and Mr. HOGAN

APRIL 8, 1970

Referred to the Committee on Post Office and Civil
Service

APRIL 9, 1970

Reported with amendments, committed to the Com-
mittee of the Whole House on the State of the
Union, and ordered to be printed

APRIL 9, 1970

Considered and passed

[Roll No. 69]

Alexander	Green, Oreg.	Patten
Ashley	Hagan	Philbin
Blackburn	Hall	Pollock
Blatnik	Halpern	Powell
Brown, Calif.	Hanna	Reid, N.Y.
Brown, Mich.	Hansen, Idaho	Rivers
Cabell	Hawkins	Rooney, N.Y.
Clark	Hébert	Rosenthal
Clay	Hosmer	Rostenkowski
Coughlin	Johnson, Pa.	Roudebush
Daddario	Jones, Tenn.	Sandman
Dawson	Kirwan	Saylor
Dent	Kleppe	Scheuer
Diggs	Landrum	Stokes
Dowdy	Leggett	Taft
Flynt	Lujan	Teague, Calif.
Foreman	Miller, Calif.	Teague, Tex.
Fulton, Pa.	Mollohan	White
Gallagher	Moorhead	Whitten
Gilbert	Ottinger	Wiggins
Gray	Patman	Wright

The SPEAKER. On this rollcall 367 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

(Mr. DICKINSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

[Mr. DICKINSON addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

(Mr. SEBELIUS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

[Mr. SEBELIUS addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

FEDERAL EMPLOYEES SALARY INCREASES

Mr. COLMER, from the Committee on Rules, reported the following privileged resolution (H. Res. 905, Rept. No. 91-993), which was referred to the House Calendar and ordered to be printed:

H. RES. 905

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 16844) to increase the pay of Federal employees, and for other purposes. After general debate, which shall be confined to the bill and shall continue not to exceed two hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Post Office and Civil Service, the bill shall be considered as having been read for amendment. No amendment shall be in order to said bill except amendments offered by direction of the Committee on Post Office and Civil Service. Amendments offered by direction of the Committee on Post Office and Civil Service may be offered to any section of the bill at the conclusion of the general debate, but said amendments shall not be subject to amendments. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit. After the passage of H.R. 16844, it shall be in order in the House to take from the Speaker's table

the bill S. 3690 and to move to strike out all after the enacting clause of the said Senate bill and insert in lieu thereof the provisions contained in H.R. 16844 as passed by the House.

Mr. BOLLING. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 905 and ask for its immediate consideration.

The SPEAKER. The Clerk will report the resolution.

The Clerk read the resolution.

The SPEAKER. The question is, Will the House now consider House Resolution 905?

The question was taken; and (two-thirds having voted in favor thereof) the House agreed to consider House Resolution 905.

The SPEAKER. The gentleman from Missouri is recognized for 1 hour.

Mr. BOLLING. Mr. Speaker, I yield 30 minutes to the gentleman from California (Mr. SMITH) pending which I yield myself such time as I may consume.

Mr. Speaker, I believe all the Members of the House understand what this is all about. The easiest way to describe this situation is that we are about to consider a preliminary battle. This makes in order a bill that will provide for a straight across-the-board 6-percent increase in salaries for the postal workers and for other Federal employees and in effect the military services and the legislative employees.

It also has in it provisions increasing the pay of certain judges—a few of them, I do not know the exact number—who were left out in the pay increase that took place last year. They were forgotten. It happens. There is some controversy about this, but their pay increase is not in controversy. They were covered in the bill that is now in conference, a bill that passed the House and the Senate that deals with crime in the District of Columbia. In other words, we are picking up in this bill some judges that are taken care of in another bill.

The Committee on Post Office and Civil Service came before the Committee on Rules and requested an open rule with 1 hour of general debate. After some inquiry of the members of the committee and the chairman of the full committee and the chairman of the subcommittee who is actually handling this bill, it became clear that the Committee on Post Office and Civil Service would be satisfied and, as a matter of fact, pleased with a closed rule. In the light of this situation we felt in the Rules Committee by a very substantial majority that the manner in which we should handle what I have described as a preliminary bout making way for the main event would be in a closed rule providing some time for debate.

That is exactly what we have before us.

The rule, aside from it being closed, does allow for some committee amendments. It does also provide that at the conclusion of consideration of the bill, when, as I assume, it will pass, we will then send it to conference for all practical purposes by getting the Senate number on it. That is exactly what is in the resolution. I urge its passage and I yield now to the gentleman from California (Mr. SMITH).

(Mr. SMITH of California asked and was given permission to revise and extend his remarks.)

Mr. SMITH of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I commend the gentleman from Missouri on the explicit and extremely able manner in which he explained precisely what took place today. I agree with what the gentleman said. I concur in his statements.

The only thing I would add would be my own opinion on stressing the importance of a closed rule on this first part of the so-called package. In my opinion, if we do not have a closed rule, there will be some amendments offered which many of us favor. I think almost everybody on the floor favors the compression amendment, which would cut from 21 to 8 years the time during which the postal employees have to work before they can get to their top salary, but that will be in the second chapter, as I understand it, and if we mess it up today with any amendments in this bill, in my opinion the postal employees may not get any raise for a very long time, and they are entitled to it.

Mr. Speaker, I strongly support the rule, a closed rule, and I urge adoption of the resolution, House Resolution 905.

I will say to the gentleman from Missouri, I do have a request for time. I yield 5 minutes to the gentleman from Iowa (Mr. GROSS).

Mr. GROSS. Mr. Speaker, as I understand the parliamentary situation, we are now considering a resolution making a bill in order. It is a resolution which none of us have seen. We have heard it read. I have only now obtained a copy.

We must adopt the resolution in order to make the bill in order, is that correct, Mr. Speaker, and to provide for general debate?

The SPEAKER. The answer to the gentleman's inquiry is that the gentleman is correct.

Mr. GROSS. And the rule is for 1 hour of general debate?

The SPEAKER. In connection with the rule it would be up to 1 hour. The Chair understands the resolution provides for 2 hours of general debate.

Mr. GROSS. I thank the Speaker.

(Mr. GROSS asked and was given permission to revise and extend his remarks.)

Mr. GROSS. Mr. Speaker, I regret very much that this bill is to come to the House floor under a closed rule, which will prohibit any Member of the House from offering an amendment to the bill.

I have been prepared to offer an amendment to the bill to provide that the 6-percent pay increase be limited to those workers employed by the Federal Government who are paid under the four statutory pay acts; in other words, the classified workers, the postal field service, the Veterans' Administration, and the Foreign Service.

It seems to me this is where the bill should have been stopped in view of the financial crisis which exists today.

Every Member should understand that this bill calls for an expenditure of \$2.6 billion and was considered in the Com-

mittee on Post Office and Civil Service for the first time this morning in a period of 35 minutes. Not even the members of the committee, except one or two who sponsored this deal, had ever seen the bill before it appeared on our desks in the committee at 10 o'clock this morning.

Thus we are being asked here today to rush through—to ram through the House a bill without the opportunity to offer a single amendment.

This rule ought to be defeated and the Members given the opportunity to work their will.

This bill should not contain pay increases for the Judiciary in the District of Columbia, because they are now being considered for a pay increase in the District of Columbia crime bill, presently in conference between the House and the Senate. If this bill goes to conference, as I am certain it will if it is passed in the form in which it is presented, we will have in conference in two places the pay increases for the District of Columbia judges.

There are other provisions in this bill which ought not be there. I happen to believe that the legislative employees are presently well paid. If they are entitled to a further increase it can come in legislation to be considered subsequently, along with the proposed 8-percent pay increase for postal workers. We had no hearings whatever on the necessity for another pay increase for legislative employees.

There are other fringe benefits in this bill that ought not to be there.

I hope the rule will be defeated so that I can offer my amendment to confine this pay increase to at least the four categories of employees of which I have already spoken.

Mr. BOLLING. Mr. Speaker, I yield 5 minutes to the chairman of the Committee on Rules, the gentleman from Mississippi (Mr. COLMER).

(Mr. COLMER asked and was given permission to revise and extend his remarks.)

Mr. COLMER. Mr. Speaker, I shall not consume the 5 minutes, I hope. I am prompted to take the floor in view of the statement of the gentleman from Iowa, for whom I have the highest regard. I would just like to reiterate that I am traditionally opposed to closed rules generally, but I would like to make the observation here that the Committee on Rules saw fit in its wisdom to grant a closed rule in this case.

I would like to add further, Mr. Speaker, that if there was ever a time when a bill should be considered under a closed rule, it seems to me that that time is on this particular bill. I say this because of the agreement worked out between the parties.

Now, I do not like rushing through legislation as we have done in the past 2 days, but the Congress and the administration, I might add, have permitted a situation to drag along whereby we are in another crisis, as it were. Yesterday we passed the railway strike bill in an emergency atmosphere.

I would also like to add, Mr. Speaker, that this pay increase does concern me

as much as some previous pay increases because of its contribution to inflation. Yet I would have to admit, Mr. Speaker, that inflation has continued and these people, particularly the postal employees, find themselves the victims of inflation. Unless we stop enacting—and I say this for the hundredth time on this floor—unless we cease and desist from starting these new expensive programs such as the one now under consideration in the Committee on Rules—the welfare bill—we will continue to legislate in an area of crisis. Unless we do so, we are going to have to continue salary increases for the foreseeable future. I have sympathy with these employees who are caught in this trap and therefore have cause for some relief.

So, Mr. Speaker, I propose, in spite of my position on the question of closed rules, to support my committee on this resolution.

Mr. SMITH of Iowa. Mr. Speaker, I yield 5 minutes to the gentleman from Illinois (Mr. DERWINSKI).

(Mr. DERWINSKI asked and was given permission to revise and extend his remarks.)

Mr. DERWINSKI. Mr. Speaker, may I state I join the gentleman from Iowa and a few other Members here this afternoon who oppose the closed rule. Before I specifically state the reason why I do so, I wish to clarify the legislative situation this afternoon.

First of all I trust that no one is under the illusion that this bill constitutes a step which is part of postal reform. This bill is completely aside from any concept of postal reform. All we will be voting for this afternoon is an across-the-board 6 percent pay increase. Any thought that this is a part of postal reform is really not accurate.

Mr. Speaker, the other point I wish to emphasize—and the gentleman from Iowa touched on it—is that bill passed through our committee in 35 minutes this morning, which is hardly normal procedure and, as much as I, personally, am in favor of and will continue to support postal reform, as much as I wish to see that the administration gets its basic plan to renovate the Post Office Department, I do not believe this is the proper way to handle a rule.

There is one specific defect in the bill which I hoped to cure with an amendment but, obviously since we do not have an open rule, I will not have the opportunity to offer that amendment. That would be an amendment to the automatic salary increase that this bill contains for House of Representatives or Members' employees. It would read as follows:

AMENDMENT PROPOSED BY Mr. DERWINSKI

Section 3 is amended by adding at the end thereof a new subsection as follows:

"() The basic compensation of each employee on the rolls on the date of enactment of this Act whose compensation is paid from the clerk hire of a Member of the House of Representatives or the Resident Commissioner from Puerto Rico is hereby adjusted, effective on the first day of the first month following the date of enactment of this Act, to the lowest multiple of \$5 which will provide a gross rate of compensation not less than the gross rate such em-

ployee was receiving immediately prior to such first day, except that the foregoing provision of this sentence shall not apply with respect to an employee if, on or before the tenth day following the date of enactment of this Act, the Member or Resident Commissioner by whom such employee is employed transmits to the Clerk of the House of Representatives written notice to the effect that he does not wish such provision to apply to such employee. No employee whose basic compensation is adjusted under this subsection shall receive any additional compensation under subsection (a) for any period prior to the effective date of such adjustment during which such employee was employed in the office of the Member or Resident Commissioner by whom he is employed on the first day of the month following the enactment of this Act. No additional compensation shall be paid to any person under subsection (a) for any period prior to the first day of the month following the date of enactment of this Act during which such person was employed in the office of a Member or Resident Commissioner (other than a Member or Resident Commissioner by whom he is employed on such day) unless on or before the tenth day following the date of enactment of this Act such Member or Resident Commissioner notifies the disbursing office of the Clerk of the House of Representatives in writing that he wishes such employee to receive such additional compensation for such period. If, before the expiration of the period within which such notice may be given, such Member or Resident Commissioner dies without having transmitted such notice, such notice shall be considered to have been transmitted."

Let me take a moment to explain one interesting fact. Whenever a pay raise is granted across the board, employees in the House automatically receive it. In the Senate they merely receive the authorization to increase the salary of their employees and every Member of the Senate has the option to grant the degree of increase that he feels is warranted.

However, under our procedure in the House every employee in your office or every member of a committee's staff receives a automatic 6-percent increase under this bill. If you have just given your employee a pay raise or for some reason you think their pay scale is in order, then you have to be a Simon Legree and by your negative action take away the pay increase that this bill grants.

If we had an open rule, I would offer an amendment that would put the House employees and the committee employees under the same procedure under which the Senate operates which means that you would have the authority to grant the pay increases, but it would be by a positive action on the part of the Member and not a negative action to take away an automatic pay increase.

I should also suggest to the Members that there is much more that could be discussed. There are other Members who have perfecting and helpful amendments. I really do not believe there is any real opposition to this bill, but this bill is not sacred and is not perfect. It could use some adjustment and improvement.

It is my understanding that the argument for the closed rule is to the effect that the Senate will turn around and accept our bill and that it will be on the

President's desk this evening. This is not so at all. It is my understanding that the Senate will insist on a conference, because there have been amendments placed in the House bill in the committee that are unacceptable to the Senate. I do not believe there is any need for a closed rule and I would strongly recommend Members join us in seeking an open rule.

Mr. SMITH of California. Mr. Speaker, I yield 3 minutes to the gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT. Mr. Speaker, I share the concern that has been expressed by my colleagues on the Post Office and Civil Service Committee.

We did not have sufficient time during the meeting of the committee this morning to properly consider this bill. I had an amendment that would have been offered had time permitted. At the beginning of the session the committee adopted a motion that I opposed which provided that we would vote at 10:45 on reporting out the entire bill. While the committee meeting was scheduled for 10 a.m., we were late in getting started and spent very little time on the legislation. This, in my opinion, is not the correct way to legislate. Nevertheless the major part of this bill which provides a 6-percent across-the-board increase in pay to all Government employees, both civilian and military, is desirable. Had time permitted, Mr. Speaker, I believe our committee should have considered the proposal advocated by the American Federation of Government Employees that the raise for classified employees be at the flat rate of \$615. The president of the federation in testimony before a Senate committee pointed out that more than 600,000 classified workers receive \$7,500 or less in annual salary and in this legislation they will receive as low as a \$200 raise while those in the highest grades will receive more than a \$2,000 increase. If we actually face an emergency situation it does not seem we are facing it in a responsible manner. I also have objection to the lack of proper consideration for the other portions of the bill.

However, Mr. Chairman, it seems to me that we do have a reason to have a closed rule today, notwithstanding the objection that has been made by the gentleman from Iowa, the gentleman from Illinois, and myself to the procedure that we had in the committee. And that is that we have had a conference within the executive branch of the Government, between labor representatives and Government officials. There have been some tentative agreements made, and if we have an open rule today I believe there will be some amendments offered which will prove embarrassing to the administration. And I would hope that we will adopt the version of the Committee on Rules and have a closed rule today, even though our Committee on Post Office and Civil Service only spent a few minutes in considering this legislation.

Mr. Speaker, I yield back the balance of my time.

Mr. SMITH of California. Mr. Speaker, I have two more requests for time.

First, Mr. Speaker, I will yield 5 minutes to the gentleman from Idaho (Mr. McCLURE).

(Mr. McCLURE asked and was given permission to revise and extend his remarks.)

Mr. McCLURE. Mr. Speaker, it is with a great deal of reluctance that I rise in opposition to the action that has been taken by the Committee on Rules in this instance. I am very much aware of some of the considerations which are behind the action by which the Committee on Rules decided to bring in a closed rule only.

I believe the Members of the House have to understand that the action taken within the committee this morning was taken in limiting debate on this matter with the understanding I believe by all the Members that there would be an opportunity to offer amendments on the floor that we did not have time to offer in the committee. It is for that reason, and that reason alone, that I rise in opposition to the adoption of this resolution on the rule.

I believe it needs to be pointed out also that sections 8, 9, and 10 of the bill have been passed by this House before, and the Senate saw fit to delete them when they returned that measure to this body. There is no assurance at all that the Members of the Senate will accept it when we put it in this second time, and send it to them again.

I am aware also of the jurisdictional conflict with respect to section 6 dealing with the pay of the District of Columbia judges. I believe the summary manner in which we handled that in committee is subject to a great deal of question.

Section 7, which calls for a 20-percent increase in certain expense allowances to former Presidents, has never been the subject of any discussion or any hearings before our committee. It is contained within the Senate bill, but our committee has never had the opportunity to even determine whether or not there is any justification for this 20-percent increase.

For these reasons, Mr. Speaker, I very reluctantly rise in opposition to the closed rule, and I hope the House will defeat the closed rule and give us the opportunity to propose some amendments to this legislation.

Mr. DICKINSON. Mr. Speaker, will the gentleman yield?

Mr. McCLURE. I yield to the gentleman from Alabama.

(Mr. DICKINSON addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

(Mr. DICKINSON asked and was given permission to revise and extend his remarks.)

Mr. CUNNINGHAM. Mr. Speaker, will the gentleman yield?

Mr. McCLURE. I yield to the gentleman from Nebraska.

Mr. CUNNINGHAM. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I favor a closed rule. I am sorry that the majority of our committee does not agree with my colleague in the well, but we have to move this thing along, and we would continue for quite a few days on this bill if we did not have a closed rule, so I support the closed rule.

(Mr. CUNNINGHAM asked and was given permission to revise and extend his remarks.)

Mr. McCLURE. Mr. Speaker, in spite of what the gentleman from Nebraska says, I believe this is an extremely important piece of legislation, and I do not believe that we have to carry on in this precipitous manner. Whether everyone has plans for the weekend, I believe those plans can be changed for the purpose of considering this legislation so that it is not necessary that we continue with what I consider to be unseemingly precipitous action.

Mr. Speaker, I want to make it very plain that I support the general concept of a pay increase for the workers of the Federal Government as embraced in the 6-percent provision which is the major portion of this legislation. I want that to be understood, that my opposition to the closed rule is not on the basis of being opposed to granting Federal employees a raise, because I believe they are entitled to it, and I think our hearings have indicated that.

Mr. McDADE. Mr. Speaker, will the gentleman yield?

Mr. McCLURE. I yield to the gentleman.

(Mr. McDADE asked and was given permission to revise and extend his remarks.)

Mr. McDADE. Mr. Speaker, I rise in support of the action of the Post Office and Civil Service Committee, which has reported this bill to the floor today.

There is no doubt that we shall pass this bill this afternoon, and in so doing we will be voting deserving raises in pay to our postal employees, to our other civil servants, and to members of the military. This raise in pay has been long overdue.

I wish to note that the press of most important business will make it impossible for me to be present and to cast my vote for this bill. In the normal course of events, I would pair my affirmative vote with the vote of someone opposed to the bill. In this case, however, the committee has done such an efficient job that it has been impossible to find a vote opposed to the bill with which I might pair. I commend the committee for its fine work, and I wanted the Members of the House to know that my own vote, were I present to cast it, would be in the affirmative.

Mr. BOLLING. Mr. Speaker, I yield 5 minutes to the gentleman from California (Mr. CHARLES H. WILSON).

Mr. MONAGAN. Mr. Speaker, will the gentleman yield?

Mr. CHARLES H. WILSON. I yield to the gentleman.

Mr. MONAGAN. Mr. Speaker, I want to express my support of this bill. I think it is badly needed.

As the gentleman stated, it has been needed for a long period of time. I support this increase and I hope that the House will vote for the rule and will promptly vote on the legislation itself.

Mr. CHARLES H. WILSON. I thank the distinguished gentleman from Connecticut.

Mr. Speaker, I must join those who are criticising the type of rule that we will be operating under here today. I think it is extremely unfortunate that

we are unable to have an open rule. As a member of the committee, I am sure as the gentleman from Idaho (Mr. McClure) just said—all members of the committee were under the impression that we would be having an open rule and that we would have an opportunity to present very important amendments to this bill.

I do not know of anyone who will be voting against the bill. I suppose we could probably have a voice vote when the debate is finished and dispose of this bill very promptly because everyone is for the bill.

Mr. Speaker, there are parts of it, however, that should not be in the bill and the point raised by the gentleman from Iowa (Mr. Gross) is an extremely important question.

Mr. Speaker, I think one of the very important things the postal employees have found objection to is the way we treat our own employees and ourselves so far as salary increases are concerned, which far overshadows what we are able to do for them when these pay raises come up.

Here we are talking of a 6-percent pay raise that will go to all Government employees plus a special raise for District judges here in the District of Columbia. This means that many of our staff people, who are up in the highest brackets, will be getting from \$1,000 to \$1,500 a year wage raise when the very people that we are trying to help, the low-paid postal employees and Government employees will be getting probably \$300 to \$450 a year increase, which just is not right.

I think that the compression problem that the gentleman from California (Mr. Smith) made reference to when speaking on the rule is extremely important.

This is the amendment I had hoped I would have an opportunity to introduce during the course of debate on the bill. I think we all have become aware of the fact, and those of you who did not know it before, that it takes 21 years for postal employees to achieve the top salary that they are entitled to receive. The amendment would have reduced this to 8 years.

This is one of the items that had been agreed to, I believe, in the negotiations going on, and there is no reason in the world why we could not have had this included in the bill today.

Mr. Speaker, I feel we have to do something more than just provide a 6-percent pay raise to the postal employees at this time. We have to sweeten this thing in some manner for them in order to assure the we are serious about wanting to do something to rectify the inequities that they have been living under for the past several years.

I would hope that we could defeat the previous question. I do not know—I have to be realistic about this thing—there are not enough Members on the floor, if we were to try to make an effort to defeat the previous question, who would understand what the issue was when they come in to cast their votes. So it probably would be a pursuit of futility if the effort is made. Yet, I am giving consideration at this time to asking for the defeat of the previous question when it

comes up in order that we can give serious consideration to several important amendments which should be adopted in order to make this a better bill than it is.

Mr. BOLLING. Mr. Speaker, I move the previous question on the resolution.

The SPEAKER. The question is on ordering the previous question.

The question was taken; and on a division (demanded by Mr. CHARLES H. WILSON), there were—ayes 43, noes 22.

So the previous question was ordered.

The SPEAKER. The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. DULSKI. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 16844) to increase the pay of Federal employees, and for other purposes.

The SPEAKER. The question is on the motion offered by the gentleman from New York.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 16844) with Mr. PRICE of Illinois in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from New York (Mr. DULSKI) will be recognized for 1 hour, and the gentleman from Pennsylvania (Mr. CORBETT) will be recognized for 1 hour.

Mr. DULSKI. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I appreciate very much the coordination and cooperation extended by the leadership, on both sides of the aisle, in dealing with the pending bill, H.R. 16844 on an expedited basis.

As you know, the House approved last October a postal pay bill, H.R. 13000, and the Senate approved a much different version in December. The bill has since been in conference.

As I reported to the House at the time, we finally were able to arrange to sit down with the Senate conferees in three sessions, just before the Easter recess. But the Senate panel voted to defer further consideration pending negotiations downtown between the administration and the postal unions.

The first stage of the agreement between the parties called for an across-the-board 6-percent retroactive pay increase for Federal employees who are customarily covered by general salary bills reported by our committee. The retroactive feature would be to the first pay period beginning on or after December 27, 1969.

The increases will apply to employees who are paid under the four statutory salary systems—the general schedule, the postal field service schedule, the schedule of the Department of Medicine and Surgery in the Veterans' Administration, and the Foreign Service schedules.

The increases also will apply to other groups of employees who have been included in previous salary bills. On the other hand, certain officers of the House are excluded.

The figure of 6 percent across the board is beyond the scope of conference on H.R. 13000. Thus it becomes necessary to handle this matter by separate legislation. This is what is involved in the bill before you today, which is very similar to S. 3690, approved yesterday by the Senate.

The bill before you was acted upon this morning by our Subcommittee on Compensation and then was approved by our full committee in executive session. The vote on reporting the bill was 24 to 1.

Mr. Chairman, just so that there will be no misunderstanding as to the relationship of the pending bill to the overall package which is being worked out between the administration and the postal unions; let me explain:

The pending bill is the first stage of the so-called package.

In testimony last Monday before the Senate Committee on Post Office and Civil Service, Postmaster General Blount was asked in considerable detail whether we needed to wait for the balance of the package before acting upon the 6-percent raise across the board.

The Postmaster General said that he would prefer that all actions be consolidated, but if it meant a delay in action on the pending bill then he preferred that we proceed separately with the 6-percent pay raise.

In testifying before the Senate Committee, General Blount was asked:

Are there conditions attached to the Congress following through on enactment (of other features) before a 6 percent pay increase retroactively would be in order?

In reply, Postmaster General Blount told the committee:

Mr. Chairman, we have no provisions or no conditions on the 6-percent retroactive pay increase. We looked at this matter in these negotiations and tried to arrive at what we felt was an equitable situation for everybody involved. This proposal was made to the unions in good faith without any conditions involved.

The foregoing statement by the Postmaster General seems to me to make it abundantly clear that the administration attaches no conditions whatsoever to the 6-percent raise we are considering here today.

In other words, only the 6-percent across-the-board retroactive pay raise is involved at this point and that is what is involved in the pending bill.

There is obvious need for prompt action on the pending bill. I support it fully. I hope that the bill will be approved by the House.

Mr. CONTE. Mr. Chairman, will the gentleman yield?

Mr. DULSKI. I yield to the gentleman from Massachusetts.

Mr. CONTE. I wish to compliment the gentleman for his fine statement and on the work he has done during this period of crisis. I am concerned as one who has sponsored and appeared before the gentleman's committee for the corporation bill which the administration has sent

up here. Can we expect that to be forthcoming in the near future?

Mr. DULSKI. As I stated before the Rules Committee, we filed a report on this bill yesterday, and as soon as possible, I will ask for a rule for the Postal Reform Act as reported out by our committee.

Mr. CONTE. I wonder if the gentleman agrees with me—I have not been able to discuss the point with him—that one of the great inequities I have observed, sitting on the Appropriations Committee and handling the Post Office budget for 12 years, is that when we authorize pay raises, such as the proposed pay raise of 6 percent, which is certainly needed, some person in Oshkosh, Wyo., or Montana, turns out to be the highest-paid person in town, and another person doing the same work in a high cost-of-living area such as New York City, Boston, Cleveland, or Buffalo, turns out to be the lowest paid guy in town.

This is certainly inequitable. I hope the corporation will be one of those things that will straighten out this inequity.

The third question I have is: Will this pay raise apply to our own employees?

Mr. DULSKI. Yes; it will.

Mr. CONTE. There is no way under the closed rule that we can ferret this out?

Mr. DULSKI. No; not under the closed rule.

Mr. CONTE. I talked with the gentleman from Arizona last night on this. I hope this committee will look some day in the future, rather than to giving an across-the-board increase, the discretion should be left with the Congressman to determine what raise he wants to give his employees. As it stands at present, if the Congressman does not want to give the raise he must lower the employees basic salary.

Mr. DULSKI. Mr. Chairman, I thank the gentleman from Massachusetts.

I yield 5 minutes now to the gentleman from Arizona (Mr. UDALL).

(Mr. UDALL asked and was given permission to revise and extend his remarks.)

Mr. UDALL. Mr. Chairman, we meet today in the aftermath of a postal crisis, the first postal work stoppage in the history of this country. We meet today to begin to correct some basic inequities and deficiencies in the postal system, and in the system by which we have undertaken to adjust the pay from time to time.

This is a crisis which, in my judgment, should not have happened. There has been a great deal of oratory, much of it partisan, on both sides in an attempt to fix the blame for the situation that caused this work stoppage, but I believe the job of all of us now is not to try to fix the blame—there is probably enough to go around—but the job of all of us is to get on with this situation and to find the answers.

This is the first installment in the search for answers as in this legislation which we take up today. This will not answer all the questions. It sets aside for later consideration many of the problems that bother Members of the House. We have heard of some of them already,

and we will hear about others later today.

We hear that following the work stoppage the administration went into negotiations with the seven main postal employee organizations. In the beginning of the negotiations there was very strong feeling on the part of the employee groups that they simply were not going to have a pay increase tied to reform. This was a matter of fundamental doctrine on their part, and so the first agreement that came out of those negotiations was that without conditions, without strings, without being tied to reform, because of the delay and the lag in comparability for postal employees, there would be an agreement to a 6-percent across-the-board retroactive pay increase.

So it is this first agreement we are here today to carry out and to enact into law before this week is gone.

The other questions—and there are several questions and they are thorny and difficult questions such as postal reform and the additional 8-percent increase for postal employees, and the problem of whether the classified employees are to get an additional raise beyond the 6 percent that is included here—all these things we set aside today, and we do not seek to deal with them or to solve them in this legislation.

I do not particularly like closed rules. I wish we had the time to consider all these matters under an open rule today, but the fact is that we are not yet out of the woods in this serious situation that affects the country. Postal organization employee groups around the country are still meeting, and there are some votes in meetings scheduled for today and tomorrow. One thing we can do is to show everyone in the country that there is movement toward resolving the situation, that we are going to begin to act, and if we carry out our responsibilities, the responsibilities which we in the Congress should have discharged months ago, we can, I believe, show the country that solutions are in sight and that progress is being made.

Mr. Chairman, this is the reason why I strongly support this bill and feel it is in the interest of the country and all concerned that we pass it today.

Mr. ABERNETHY. Mr. Chairman, will the gentleman yield?

Mr. UDALL. I yield to the gentleman from Mississippi.

Mr. ABERNETHY. Mr. Chairman, in the last bill we had a commission for the purpose of considering employee salaries. There is nothing in this bill to provide for a commission of that kind?

Mr. UDALL. Nothing of that kind. It is my hope we will find a permanent way to fix salaries, but this is a stopgap raise for the Federal employees which we are considering today.

Mr. ABERNETHY. Mr. Chairman, if the gentleman will yield further, can the gentleman tell me why the committee included the District of Columbia judges' salaries in this bill?

Mr. UDALL. Yes; I will be happy to respond to that question. The gentleman will recall that in 1969 Members of Congress and Federal judges and Cabinet and Federal executives of all levels re-

ceived substantial pay increases as a result of the work of the Quadrennial Commission on those salaries.

The only Presidential appointees, the only judicial officers of the United States, who were omitted from that machinery—by oversight—were the court of general sessions in the District and the District of Columbia Court of Appeals. So here are some 33 judges who have been totally overlooked when all the other top Federal appointees have had substantial pay raises.

Mr. ABERNETHY. The gentleman is aware of the fact that pay raises were included for these judges in the District of Columbia crime bill.

Mr. UDALL. Yes.

Mr. ABERNETHY. Will the gentleman yield for one other question?

Mr. UDALL. I yield.

Mr. ABERNETHY. Is the level of salaries in this bill in keeping with the level which was included in the District of Columbia crime bill?

Mr. UDALL. The gentleman is a distinguished member of the District of Columbia Committee and has an interest in this legislation. Let me say to him that these are the precise salaries which his committee approved and which the House approved. These salaries are the House versions.

Mr. ABERNETHY. I assume that the gentleman was merely trying to expedite the effectiveness of the salaries?

Mr. UDALL. That is right. I do this as an interim settlement of this problem. I take the view that the final result on the salaries will come out, on a permanent basis, from the conference on the District of Columbia crime bill.

Mr. COLLIER. Mr. Chairman, will the gentleman yield?

Mr. UDALL. I yield to the gentleman from Illinois.

Mr. COLLIER. So long as the judges are included in this—and I believe it is proper that they be included—is there anything in this bill having anything to do with their clerks?

Mr. UDALL. Well, all salaries for the legislative, judicial, and executive branches are to be a 6-percent increase across the board.

Mr. COLLIER. Six percent in the case of some of the clerks might get them above the poverty level.

Mr. UDALL. I would hope so, if they are in poverty.

Mr. COLLIER. I mention this perhaps lightly, but in a serious vein. I have a son who was a clerk. He no longer is. I, therefore, have no conflict of interest.

At some time someone ought to do a review of this. It is a fact that most of the clerks are outstanding law students who have completed law school. For them to be obliged to work for the salaries they are is nothing short of a shame.

Beyond that, it goes one step further. This means that unless a young man comes from a home from which he can get financial assistance most of the time he is deprived, from the standpoint of economics, from being privileged to serve in this kind of a position.

I would hope that at some time someone would take a good, hard look at the totally inadequate salaries paid to these law clerks, and do something about it, as

something is being done in other areas, and perhaps in some areas not as well deserving.

Mr. UDALL. The gentleman is a vigorous advocate of salary adjustments for these people. I join him in his efforts and in his remarks.

Mr. HOGAN. Mr. Chairman, will the gentleman yield?

Mr. UDALL. I yield to the gentleman from Maryland.

Mr. HOGAN. I should like to associate myself with the remarks of the distinguished chairman of the subcommittee, now in the well.

I should like to say further, in relation to the remarks about the local judges who were overlooked at the time of the previous pay raises, the District of Columbia crime bill recently passed by the House provides an effective date 6 months after the enactment of the bill. This would further prolong the inequity, which the bill before us would correct.

(Mr. HOGAN asked and was given permission to revise and extend his remarks.)

Mr. CONTE. Mr. Chairman, will the gentleman yield?

Mr. UDALL. I yield to the gentleman from Massachusetts.

Mr. CONTE. I want to take this opportunity to commend the gentleman from Arizona not only for this presentation but also for the many presentations he has made on the floor of the House down through the years on this matter. He has certainly been a forthright legislator and a leader in this field. He is very knowledgeable, and has done his homework.

As the gentleman knows, I am quite disturbed about some of the features of this bill. I feel the postal workers certainly need it. I am disturbed that the pay raise goes across the board and no consideration is being given at this time to allowing a higher pay raise to the postal workers in the high-cost-of-living zones as opposed to those in the low-cost-of-living zones, such as in some small town or in some small State.

Mr. UDALL. Let me say to the gentleman on that point, I believe the real answer to all of our postal problems is the kind of basic postal reform which both the gentleman and I support.

One of the things being negotiated and talked about in the major postal reform proposals is giving to the postal unions the right to negotiate an average wage, so that the union of the man in New York can negotiate a higher wage for him, as compared to that negotiated by the union for the man who works in one of my small towns in Arizona, who does not need the same amount.

Mr. CONTE. That is encouraging.

The other thing that bothers me—and maybe we can make some legislative history here and get this thing off the ground—is the question of our own employees. We should have the right to determine whether they are deserving of this 6-percent pay increase or whether it should be 3 percent or maybe 10 percent. Therefore, I would rather see the fund itself increased and give the discretion to the Congressmen rather than having a 6-percent straight-across-the-board increase.

Mr. UDALL. Let me say to the gentleman and to other Members who have raised this point that I believe there will probably be another major Federal salary bill dealing with the classified and other Federal employees later this year, after postal reform. It is my hope and intention that we can resolve some of the basic things that are wrong with the pay system as it affects the House employees. I fully agree with the gentleman, and I wish I could vote for the amendment that will be offered by the gentleman from Illinois (Mr. DERWINSKI) because I believe something is long overdue in this field. I would personally junk the whole hypocritical system of basic pay, but maybe if we can work later this year on legislation in this field, we can get rid of this unfair system for our employees.

Mr. CONTE. Is it not true, if the gentleman will yield further, that under this system we are voting for today we have no alternative and, in fact, some of the Senate pages will get more starting salary than a postal worker who is married and has a family?

Mr. UDALL. I have not seen the figures, but it is entirely possible.

Mr. EDWARDS of Alabama. Mr. Chairman, will the gentleman yield to me?

Mr. UDALL. I yield to the gentleman from Alabama.

Mr. EDWARDS of Alabama. Mr. Chairman, I thank the gentleman for yielding to me.

As I understand the bill today, it is sort of a result of negotiations and bargaining as a result of an illegal strike. Is that a fair assessment?

Mr. UDALL. The events have been variously categorized, and some have said it is an illegal strike. Certainly it is against the law for Federal employees to withhold their services, so I guess one could call it that.

Mr. EDWARDS of Alabama. What we are being asked to do, then, is vote up or down on a negotiation that is at best perhaps not in accordance with the law. The thing that bothers me about it is we will take one issue here, and I ask the gentleman here whether he has any commitments or knows of any commitments on the part of any of the unions, for example, to support postal reform and, if so, has it has been agreed on as to what that reform will be? How in the world can any such agreement, if in fact there is one, bind the Members of this House?

Mr. UDALL. It cannot. No agreement of the unions and the administration can bind the House. We have our legislative responsibilities. They can recommend to us, and we can either accept or reject or modify these recommendations. That is the spirit in which I intend to receive anything that comes out of these negotiations.

Mr. EDWARDS of Alabama. I understand the gentleman is correct and he states my understanding of the situation, but I find that we are being handed here a piece of legislation as a result of a strike that I believe to be illegal no matter what different name others might put on it. There is no commitment tied to it. That is one of the main

issues involved in this question of postal reform. We have H.R. 4, as I recall it, about ready to come to the floor. As I understand from what I read in the papers and from what the gentleman says, there is no assurance that is what the so-called negotiators are going to agree on. So at this point we do not really know what we will have up for consideration.

Mr. UDALL. The gentleman is right. We will have to wait and see. Negotiations are due to end tomorrow, and hopefully they will have some kind of a package to present to us. We will compare it with H.R. 4 and get the ideas of all of the Members of the House, and someday soon let us have a rousing good debate and settle the whole question of postal reform.

Mr. EDWARDS of Alabama. If I may impose on the gentleman's time for one more point, the sooner we have a responsible postal reform bill that gets the Congress out of all of this day-to-day activity the better off this country will be.

Mr. UDALL. I agree with the gentleman.

I yield to my good friend from Montana.

Mr. OLSEN. Mr. Chairman, will the gentleman yield?

Mr. UDALL. I yield to the gentleman.

Mr. OLSEN. I thank the gentleman for yielding.

Mr. Chairman, I think it should be said in response to the inquiries made by the gentleman from Massachusetts (Mr. CONTE) that there is a mechanism today under the Pay Act of 1967 whereby the President can delegate the authority for making a differential in pay for New York City, for instance, as compared with another city. Such a survey was made.

The President, pursuant to that law of 1967, delegated the authority to make a differential pay scale to the Civil Service Commission. The Post Office Department did make such a request and the request was made specifically concerning the city of Los Angeles. However, when they found out it would cost \$7 million a year in that city alone, that was the end of it.

The CHAIRMAN. The time of the gentleman from Arizona has expired.

Mr. DULSKI. Mr. Chairman, I yield the gentleman 5 additional minutes.

Mr. OLSEN. Mr. Chairman, will the gentleman yield further?

Mr. UDALL. I yield further to the gentleman.

Mr. OLSEN. When they found out it was going to cost \$7 million additionally at just the one location in Los Angeles that was the end of the request of the Post Office Department. It never did get to the Civil Service Commission for a decision. But right now for all those who have questions about wage and pay differentials, the authority is in the President to delegate it even to the Postmaster General to make differentials in pay. So, do not worry that we have to do anything about it in any bill that comes up here. The authority has already been delegated.

Mr. UDALL. I thank the gentleman for his contribution.

Mr. BENNETT. Mr. Chairman, will the gentleman yield?

Mr. UDALL. I yield to the gentleman from Florida.

Mr. BENNETT. Does the \$36,000 limitation contained in section 4(c) of the bill apply only to the basic pay of military personnel?

Mr. UDALL. I am happy to help the gentleman make some legislative history on this question because this question has been raised by some members of the Committee on Armed Services. My understanding is that a question has been raised in applying the \$36,000 limitation contained in section 4(c), the words "pay, compensation, or salary" include for military personnel quarters and subsistence allowances and the income tax advantage thereon, or whether those words, as applied to military personnel, include only basic pay. It generally was understood that it applied only to basic pay, but some doubt was raised informally by the Comptroller General's Office. Whatever doubt may exist could be resolved and I hope can be cured by this legislative history.

Mr. BENNETT. I thank the gentleman.

Mr. CUNNINGHAM. Mr. Chairman, will the gentleman yield?

Mr. UDALL. I yield to the gentleman from Nebraska.

Mr. CUNNINGHAM. Relative to the President's power of delegation to the Civil Service Commission—I believe it was in 1967—the then President, of course, did not exercise that authority. However, I would want to say that following up the view of the gentleman from Massachusetts (Mr. CONTE), where there is a higher cost of living in the larger cities as compared to the smaller cities I think the gentleman in the well was here several years ago, and at least I was, when the greatest champion of that procedure was our former colleague Katherine St. George. She tried to get legislation out of the committee to provide higher salaries for those postal workers in the larger cities as compared to postal workers in the smaller communities, but it never got anywhere. Also, the unions were opposed to that very much—

Mr. UDALL. Yes; the employee organizations.

Mr. CUNNINGHAM. And, there was a good reason for it, because the man in New York does the same type of heavy work as a man in Waterloo, Iowa. Their duties are the same and they should be paid on an equal basis.

Mr. UDALL. This is a serious problem and there are strong views on it. It is my hope that we can solve it. I hope we will decide it and resolve it and find a better way to solve it as we go down the road.

Mr. HOGAN. Mr. Chairman, as a cosponsor and one who voted for this legislation in the Subcommittee on Compensation and the full Committee on Post Office and Civil Service, I wish to express to the Members of the House my strong support for H.R. 16844.

While a staunch supporter of H.R. 13000 which the House passed last October, authorizing a pay raise for postal employees and creating a Federal pay comparability system, at that time I ex-

pressed my disappointment that the classified employees were not included in the provisions of that pay raise and said I hoped that Congress would soon act to rectify this omission.

Therefore, I am very pleased that this richly deserved pay increase for Government employees is before us today. Under H.R. 16844, 5.6 million civilian and military employees will receive a 6-percent pay increase, retroactive to December 27, 1969. I would like to point out that this bill includes the 6-percent pay raise for postal employees, as negotiated recently by Postmaster General Blount and the postal employee union leaders.

Despite my vehement disapproval of the recent wildcat postal strike, I do favor speedy passage of the postal pay raise which has been pending since last July. In my position as a Member of the Post Office and Civil Service Committee, I have been made fully aware of the needed improvements in working and wage conditions for postal workers.

It has pleased me greatly that the postal employees of my district remained available and on duty throughout the recent strike, although given the same provocation, being subjected to the same working and wage conditions.

There are several reasons why I feel it is incumbent upon Congress to authorize this pay raise at this time. Foremost among them is the Government's commitment under law to a policy of pay comparability, providing Government employees salaries which correspond with those in business and industry. Because of the timelag in ascertaining comparability figures and obtaining congressional approval of pay legislation to close the gap, even now the bill before us will only bring the salaries of Government workers comparable to those of private industry as of last July 1.

I have heard the argument that this will fan inflation. Well, I, too, am concerned over inflation. I agree that Government spending is one of the chief causes of inflation and believe that it should be reduced. At the same time, I consider the Government's obligations to its employees of prime importance and among those that must be met.

The last year's 10-percent increase in the cost of living has had its effect on the family budgets of Government employees the same as those of everyone else. Government employees shop in the same grocery stores as their neighbors who work in private industry, pay the same rental and taxes as their neighbors. In fact, I am very much aware that the families of over 200,000 Government workers residing in my district have felt deeply the sharp rises in the costs of shelter, food, clothing, and taxes in the Washington metropolitan area, which are among the highest in the country. In view of this rise in the cost of living, Government employees will not realize a gain from this pay raise, but merely recoup their losses of the past several months and be able to better cope with present price levels.

I think you believe, as President Nixon does and as I do, that the Federal Government has an obligation to insure each of its employees fair treatment in return

for his or her dedication. It would seem to me to be grossly unfair to again call upon Federal employees to bear the brunt of inflation without relief while no one else does.

On behalf of 5.6 million Federal workers, I urge your support and vote for this legislation.

Mr. CORBETT. Mr. Chairman, I cannot sincerely say that this is a good bill. I believe it more resembles a spare tire that we badly need to put on, and, therefore, I am supporting the bill.

However, there is a strong necessity that we strike sections 8, 9, and 10 from this bill, because, as I am informed by the ranking minority member of the Senate committee that he, in conference with the chairman of the Senate Committee, have made it abundantly clear that they will not accept these three sections which are not related directly to title of the bill.

These three sections happen to be good legislation, which have passed the House in the past, and I believe they will again in the future. However, for the very reasons which the gentleman from Arizona mentioned we are going to have to clean up that particular part of the bill if we are going to avoid going into conference, which conference, I understand, could not happen prior to next week.

So, Mr. Chairman, at the proper time I will make a motion to recommit, and strike these three sections if—and I so address my remarks to our distinguished chairman—he finds that this amendment is acceptable.

Mr. DULSKI. Mr. Chairman, would the gentleman repeat his statement?

Mr. CORBETT. Mr. Chairman, I want to make a motion to recommit and instruct the committee to strike out sections 8, 9, and 10 of the bill, which I understand the Senate committee is not agreeable to. And so my question was, Would the chairman of the committee agree with me on this matter?

Mr. DULSKI. I do not believe that I am in a position right at the present time. I said I would support H.R. 16844 as reported by the committee. I would not commit myself at the present time to support a motion to recommit.

Mr. CORBETT. I would appreciate it if the gentleman will check with the Members over there if he can readily, and let me know, because I am in the position that if the amendment is not agreed to then I am going to have to vote against the bill to keep my record clear on being opposed to the bill. I am opposed to this bill at it stands because of those three sections which will delay final action on the bill indefinitely.

Mr. DULSKI. The gentleman may be correct, but I suggest to the distinguished ranking minority member of the committee that at the present time we are trying to make arrangements to have the bill accepted as it is. As a result, my position must depend on the outcome of these arrangements.

Mr. CORBETT. I wish I could know pretty quickly, because I understand from the ranking minority member of the Senate committee, in conference with his chairman, that they have decided that they would not accept these sections of

the bill, and I talked with the gentleman within the hour.

Mr. DULSKI. Mr. Chairman, would the gentleman yield?

Mr. CORBETT. I am happy to yield to the gentleman.

Mr. DULSKI. As the gentleman knows, I have always supported legislation giving equitable pay to all Federal employees. Nevertheless, if these three sections of the bill will delay any further action, so far as pay increases for postal and Federal employees are concerned, I would support his motion.

Mr. CORBETT. I know the gentleman is very concerned about this matter, but I can assure the gentleman that delay is the answer.

Mr. UDALL. Mr. Chairman, if the gentleman will yield, I hope the gentleman will not offer his motion to recommit, because in my general frame of mind I am inclined to oppose it. I resent being pushed around by the other body. They have added a couple of things here, including \$16,000 additional money for the staffs of ex-Presidents; they have added some things for the District judges, which I support, which we have gone along with.

Now here are three little fringe benefits that the bill affects—the border patrol and the customs people. It affects them. A number of Federal employees who work 60 or 80 or 100 miles out in the boondocks.

Mr. CORBETT. Will the gentleman address himself to the bill?

Mr. UDALL. It affects the dredge operators of the Corps of Engineers. The Nixon administration approved and the Johnson administration approved of the provisions and they have been drawn carefully to meet the objections of the administration.

Two of them passed the House in the last Congress and passed the House in this Congress. I cannot see some Federal employees being left out of this thing and being treated in this high-handed fashion by some Members of the other body who probably do not even know what is involved in this section.

The total cost of these three items is \$100,000.

If that is the way they want to play, I say let us call their bluff, but I am not going to put up with them for myself.

Mr. CORBETT. Mr. Chairman, will the gentleman yield to me?

Mr. UDALL. The gentleman has the time, but of course I would be glad to yield to him.

Mr. CORBETT. I was just trying to get a word in edgeways.

I would like to ask the gentleman further if it is not true that these three sections are unrelated and that we will not have any difficulty getting them through the House.

The Senator informed me they never had a hearing and never had the bills in their committee and that they were not necessarily opposed to them. They were uninformed about them.

I would like to ask the gentleman another question. If we just move to knock out two of these sections and let in one so that we could tell the other body—

well, you cannot push us around but rather it is your turn to get together—would that satisfy the gentleman?

Mr. UDALL. I would rather not negotiate with the gentleman publicly.

My position is: the three ought to have been in there and, as I said, they were approved by the administration and do not cost anything. But we do have a little time before the motion to recommit is being offered and maybe we can discuss it.

Mr. CORBETT. I do not mind discussing things in public. I am sorry the gentleman does.

However, Mr. Chairman, as I said at the outset this is not necessarily a good bill. It could be amended—and tax cut, and so on. But for the time being, it is the only spare tire that we have available so I am going to urge the Committee to adopt the bill and I could announce to the Chair that we have no further requests for time except I want to yield to the gentleman from Virginia (Mr. BROYHILL).

(Mr. BROYHILL of Virginia asked and was given permission to revise and extend his remarks.)

Mr. BROYHILL of Virginia. Mr. Chairman, I rise in support of H.R. 16844 and wish to commend the Committee on Post Office and Civil Service for their promptness in reporting this measure to the floor for consideration.

Mr. Chairman, on every previous occasion when the Congress considered the subject of a pay increase for postal and Federal employees the question of the inflationary effects and the cost to the Government was always raised. These of course, are proper questions, but I submit, Mr. Chairman, their pay raise as well as all previous pay increases are necessary as a result of inflation rather than a cause of inflation. Insofar as the cost is concerned, I say that we cannot afford not to meet this responsibility of paying our own employees a salary comparable to what their counterparts are paid in private industry. If we are going to continue to attract the most capable people into Federal service and encourage them to remain in Federal service after they are better trained, then we must be competitive in pay and working conditions with other employers. In other words we are going to get exactly what we pay for. In the long run, therefore, this pay raise will not result in greater expense in the operation of our Government.

Mr. Chairman, one of the very attractive features of this bill is the retroactive feature which makes the 6-percent pay raise effective December 27, 1969. One of the problems of trying to obtain comparability in the past is the time lag between a pay raise in private industry and the time that it takes to obtain congressional approval of a similar increase. This time lag in the past has amounted to excess of 1 year. This bill will close this gap to approximately 6 months.

This bill does not go as far as some of us would desire but it is a good compromise and I hope that my colleagues will approve it overwhelmingly.

Mr. CORBETT. Mr. Chairman, I yield

to the gentleman from Alabama (Mr. EDWARDS).

Mr. EDWARDS of Alabama. Mr. Chairman, I take this time to ask a few questions of those who are sponsoring this legislation because I am greatly concerned about the way we are being asked to legislate here today.

First, I would like to ask the gentleman from Arizona if he knows how much this bill will cost?

Mr. UDALL. It will cost in this fiscal year, between January 1 and July 1 of this year, \$1,300,000,000.

Mr. EDWARDS of Alabama. That is \$1,300,000,000?

Mr. UDALL. That includes the military which will automatically get a 6-percent raise—the men in uniform also. The first full year's cost—the first full fiscal year cost will be \$2,600,000,000.

Mr. EDWARDS of Alabama. That is \$2,600,000,000?

Mr. UDALL. Yes; \$2,600,000,000.

Mr. EDWARDS of Alabama. How is it going to be paid for?

Mr. UDALL. In dollars, I would think.

Mr. EDWARDS of Alabama. The President has suggested that there be an increase in first-class postage to 10 cents and it has been suggested that there be an increase in second- and third-class postage, in order to cover the cost, and pay as you go, as has been said—is that the gentleman's understanding of the way this increase will be paid for?

Mr. UDALL. Let us get very clear on that point. Of that \$1 billion increase, only about \$400 million—\$380 million, roughly, is due to increased postal salaries. We cannot saddle a lady who buys a stamp with the cost of a pay increase for a Congressman's aide, an employee of the Department of Agriculture, or someone at the Defense Department or a member of the armed services. I am willing to be responsible for and to vote an increase in postage on all classes of mail sufficient to pay for any raises provided for the postal people that I support. I am not willing to saddle the Postal Establishment for the cost of running the Department of the Interior.

Mr. EDWARDS of Alabama. Did any commitment come out of the negotiations that were referred to earlier concerning support from the unions or any other interested parties in favor of increasing postage to pay for the cost of this raise?

Mr. UDALL. I am not a party to these negotiations. They have not been concluded. I do not know whether the unions will come out in favor of postal rate increases. Traditionally they have not. Traditionally they have taken the view that these are separate matters. They want their pay, and they expect the Congress to say what is right and fair.

Mr. EDWARDS of Alabama. The thing that bothers me is that we are being separated to death, it looks like, in our approach to this whole problem. The cart has been placed before the horse, if you will. After an illegal strike we have brought before us a bill which contains no commitment as to where the money is coming from, no commitment as to postal reform, or no solution of any of the

other related problems. It disturbs me that we are put in this position in this way.

Mr. DULSKI. Mr. Chairman, will the gentleman yield?

Mr. EDWARDS of Alabama. Certainly, I yield to the chairman.

Mr. DULSKI. The gentleman in the well has asked why we are not asking for an increase in rates or postal reform. As the gentleman knows, we have a subcommittee that deals with compensation and another dealing with rates. Postal pay matters are separate and apart from ratemaking. I might add that in the matter of rates, the administration has proposed an increase of about 70 percent in postage for first-class mail and a very minor increase in second- and third-class mail. It would seem that the administration intends to charge the complete cost of this bill to postal patrons, even though the largest cost involved is the increase in wages to other than postal employees. Such a course is unacceptable to me and I assure you that we will deal with their proposed injustice when it comes before my committee.

Mr. EDWARDS of Alabama. All I am saying is that we are being badgered into something here today that is tied into too many other things, just to have this one issue before this body. This is what disturbs me.

As far as second- and third-class rates are concerned, or as far as what the President has proposed for first-class rates, surely I am concerned about this. The question is, What is the committee going to come out with in the final analysis? Is the committee going to come out with second- and third-class rates that in fact will pay their share? All of this shows why we need to go on with this business of postal reform, to consider the Post Office employees, the sad state they are in today, because this body and the other body have not done a proper job.

We are not equipped to do a job of this type. The rates are in the situation they are in today because this body is unable in an election year to face up to the problem and make changes in them. The sooner we can get the Post Office on a proper basis, with proper postal reform, the sooner the Post Office will be run better, and the people of this country will get their mail better, and the employees of the Post Office will feel a lot better about their job in serving the public.

Mr. CUNNINGHAM. Mr. Chairman, will the gentleman yield?

Mr. EDWARDS of Alabama. Surely, I yield to the gentleman from Nebraska.

Mr. CUNNINGHAM. I am also on the Rate Subcommittee. I think we ought to talk about that a little bit. About 80 percent of surface mail, letter mail, is sent by business houses and is charged off as business expenses on income tax, and so forth. There is the elderly man or the elderly woman who does write a letter and we do not want to penalize him or her. But I want to remind the chairman of this committee that in 1967 when we had our rate hearings, the one category of mail which is second class, newspa-

pers and magazines, only paid approximately 25 percent to 26 percent of its way. I had a motion adopted in the subcommittee to increase those rates and also to charge a 25-percent surcharge for the priority handling that they receive.

That passed the subcommittee. When it got to the full committee, the newspapers and the magazines and their lobbyists got busy, and the full committee knocked it out. That is where a good share of where the revenue should come from, the second-class rates for the newspapers and magazines.

Administration after administration in the past since I have been here, for 14 years, has always held those rates down. In 1967, there was an agreement between the newspaper and the magazine publishers with the Postmaster General and the administration that they would support the postal rate increase bill if they had their rates left at a very low level. But by raising those rates we can pick up a great deal of money by making them pay their way.

As far as the third-class mail is concerned, it pays approximately 100 percent of its way when we consider the fact that they have been continually increased and also that under the previous administration they have been forced to ZIP code all their mail and after sack- ing and tagging they have to deliver their own mail to their post office. When we take that into consideration, along with the increase in rates which they have had saddled upon them in the last several years, they are paying approximately 100 percent of their way.

So if we want to talk about rates, we can talk about the newspapers and the magazines. It was stated in 1967, when we had our postal rate bill up, that the Wall Street Journal alone is subsidized by the Federal Government to the tune of \$10 million a year. That is something which should be dealt with and dealt with promptly.

Mr. EDWARDS of Alabama. Of course, the gentleman is helping to make my point, which very simply is this. This whole operation is so tied up with political considerations, that the sooner we get it out of that area and get it into a proper postal authority or corporation, the better off this country will be.

Mr. CUNNINGHAM. The gentleman well knows I am very much in favor of postal reform.

Mr. EDWARDS of Alabama. The gentleman has been one of the leaders in this movement, and I commend him.

Mr. CUNNINGHAM. I have been very much in favor of reform of the Post Office Department, which our committee finally did pass, a few days before the strike came along. As a matter of fact, we knew about this strike or the rumblings of it a year ago, and if we had acted promptly on a true reform and pay bill a year ago, we would not have had this strike and the work stoppages all over the country. But we did not, and there were reasons why that was not done, but I will not dwell on that now.

But I say there is a great deal of money which can be picked up in the second-class newspaper and magazine

rates. The time is long past due when this should have been taken up.

I want to say another thing, too, while I am on my feet, if the gentleman will yield further.

Mr. EDWARDS of Alabama. I yield to the gentleman from Nebraska.

Mr. CUNNINGHAM. Mr. Chairman, some consideration ought to be given to this idea. If the gentleman posts a letter in New York and it travels to California, that is at the rate of 7 cents paid today. If we post a letter in the District of Columbia to Maryland, we pay the same rate of 7 cents. The gentleman knows and I know and this House knows it takes a great deal more expense out of the Post Office Department's budget to send a letter from New York to California than it does to send one from the District of Columbia to Maryland. That is something that ought to be looked into.

Mr. EDWARDS of Alabama. The gentleman is correct and, of course, it points up again the inflexibility of the Congress to act on a situation like this. Perhaps a postal rate commission can resolve those problems. I hope so. But certainly this Congress is not flexible enough to resolve those types of situations, considering the political arena in which we operate.

Mr. CUNNINGHAM. If we can get this postal reform established and get rid of all these pressure groups and these lobby groups who keep pestering those of us on the committee, we will get this type of thing the gentleman talks about and bring in the money to help pay for these salary increases.

I thank the gentleman.

Mr. EDWARDS of Alabama. I thank the gentleman for his comments.

Mr. BROCK. Mr. Chairman, will the gentleman yield?

Mr. EDWARDS of Alabama. I yield to the very able gentleman from Tennessee.

Mr. BROCK. I want to take a moment to congratulate the gentleman from Alabama for his contribution. I believe he has performed a great service to his constituency and the constituency of every Member of this body. This whole problem is illustrative of the need for postal reform. It is a desperate situation.

The gentleman from Nebraska mentioned that it costs for more to send a letter from here to California than from here to Maryland, but that the price is the same. I would add, the way the postal service operates today, it takes just as long to get a letter from here to Maryland as it does to get a letter from here to California, because of the inefficiencies and inequities built into this archaic system run by the Congress of the United States. The Congress is not competent to run the Post Office.

It is well past time we put it on an efficient basis, so that it can serve the people of this Nation at a reasonable cost.

I appreciate the gentleman's raising the point of the need for reform. I support him in his statement. I, for one, do not believe I can support raising postal rates until I see a real prospect for better service through postal reform.

Mr. EDWARDS of Alabama. I thank the gentleman for his comments.

Mr. Chairman, in closing, I should like to say, to their everlasting credit, the good postal workers in my district saw fit to stay on the job. They were not involved in any illegal strike against their country and I commend them for the restraint.

Mr. DULSKI. Mr. Chairman, I yield 5 minutes to the gentleman from Michigan (Mr. WILLIAM D. FORD).

(Mr. WILLIAM D. FORD asked and was given permission to revise and extend his remarks.)

Mr. WILLIAM D. FORD. Mr. Chairman, I rise to support this bill and I will vote for its passage. As a member of the Committee on Post Office and Civil Service, I believe I am as familiar as most Members—but apparently not as familiar as all Members in this Chamber—with what has been going on.

There is a difference, it seems, as to who is given information about what has been happening and what will happen.

A conference committee has been bogged down since last fall with pay legislation passed by the House in October, which would have increased pay for postal workers beginning last October 1. Our conferees tell me this delay is due to the unwillingness of the Members of the other body to proceed to conference so that we can send the bill to the President of the United States.

I am told by conferees on both the Democratic and Republican sides of the aisle on my committee that when they finally went to conference, there was no conference at all, because the Members of the other body are privy to negotiations which are taking place behind closed doors.

I submit that it is not very practical to try to reach agreement by having a public meeting where everybody is making speeches. Negotiations should be held in an atmosphere where they are likely to produce results.

As a member of the committee, I do feel some resentment, for myself and also the other members of the committee, on learning from newspaper and other sources that Members of the other body, serving on our counterpart committee, have apparently been privy to information coming from the administration, from the unions, and from others, while we have been kept almost entirely in the dark.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. WILLIAM D. FORD. I yield to the gentleman from Iowa.

Mr. GROSS. The gentleman is stating a fact. I believe what the gentleman is saying, in other words, is that if there is going to be communication on the situation at this time let the communication extend to the conferees on the part of the House as well as of the other body. We have been locked out.

Mr. WILLIAM D. FORD. Thank you. I am really trying to say that I am serving notice now to all of my friends who have an interest in the matters concerning the Post Office Department that I am perfectly willing to listen to any recommendation reached independently or

in concert by representatives of labor or the administration or anyone else who has an interest in it. I want to make it clear, however, that this is the last time I will accept—lock, stock, and barrel—what somebody else has written in the form of legislation, no matter how badly we may need it. I agree that we need the postal pay increase very badly. We should have proceeded with the pay legislation that we passed last fall. What we are doing today should have been done months ago. There is no way to solve that problem now, but we should not overlook the fact that we are walking into a little bit of a trap. I took a look at the President's message, and I suggest that every Member read it very carefully, because he has given us a script as to how we, as the legislative branch, will be expected to act so that we accomplish what he sets forth in his message as his understanding with the several forces with whom he has been negotiating. Particularly, you should note that in his message, the President makes it very clear that he is talking about a pay-as-you-go postal pay increase. This is very unusual, because when you examine the message you discover that the President is not asking us to pay as you go with respect only to the postal employees. A quick calculation by a member of our staff indicates that we would not have to raise first-class mail by more than 1 cent if we raised other classes proportionately. In order to pay for the 6 percent in this bill and the additional 8 percent that the President indicates will be given to the employees during the first session of collective bargaining after the adoption of his postal reform plan or postal corporation.

If we look at the message, we see he states very distinctly that the postal salary increase contributes about \$600 million to the current deficit. Yet the rate increases proposed by him would raise \$2.3 billion, which means he is asking us to increase first-class rates under the guise of meeting the demands of postal workers, but which actually would finance a raise for all military and civilian employees of the Federal Government. This is a sham and a fraud. We should certainly have our eyes open here. We would be placed in a position, after we pass this legislation, of having an 8-percent increase sent to us in a fancy package tied up with postal reform and a lot of other things. Postal reform means whatever you want it to mean, because nobody is against it but we all have our own ideas as to what it means. You will be placed in a position of either voting for or against an 8-percent increase for the postal workers. This is the first step, if you will read the script, in a series of steps apparently planned by the President and the administration to not only write legislation but to orchestrate the entire performance and tell us exactly when and how we will adopt it and in what order. You should recognize that the President's proposed rate increase would raise 19 times as much money from first-class postage users as from both second- and third-class users—the two principal business users of mail. I do not think the American public is

ready for another rate jump after the one we gave them in 1967.

Mr. Chairman, I voted against the previous question on the rule, because I think the unprecedented situation of bringing this or any other bill from our committee to this floor under a closed rule is a dangerous one. I would have offered an amendment here, but I cannot, under the closed rule.

I had hoped to once again submit the amendment which I offered to the 1967 Federal Salary Act to deal more realistically with postal employees in areas of relatively high wages and exceptionally high living costs.

During the floor debate on the Postal Revenue and Federal Salary Act of 1967, an amendment was offered by the gentleman from Arizona (Mr. UDALL) in the form of a substitute to my own amendment on the same subject and was adopted. My amendment, at that time, would have made it mandatory that area wage rates be adopted. The Udall amendment to the 1967 bill said that the Postmaster General "may" adjust these rates. The Udall substitute amendment to the 1967 bill was adopted by the House, but was dropped in conference at the insistence of the other body.

My amendment said:

(c) Section 5303(a) of title 5, United States Code, is amended by inserting immediately before the semicolon at the end of subparagraph (2) there "except positions in the postal field service which are unique to the service."

(d) That part of the text of chapter 45 of title 39, United States Code, under the heading "SALARY STEPS AND PROMOTIONS" is amended by adding at the end thereof the following new section:

"Sec. 3561. Higher Minimum rates; Presidential authority

"(a) When the President finds that the pay rates in private enterprise for one or more occupations in one or more areas or locations are so substantially above the rates of basic compensation of those positions of the postal field service which are unique to that service as to handicap significantly the Government's recruitment or retention of well-qualified employees for such positions, he shall establish for such positions in the areas or locations higher minimum rates of basic compensation for one or more levels and shall make corresponding increases in other step rates of the pay range for each such level.

"(b) Within the limitations of subsection (a) of this section, rates of basic compensation established under that subsection may be revised from time to time by the President.

"(c) An increase in rate of basic compensation established under that subsection is not an equivalent increase in compensation within the meaning of section 3552 of this title.

"(d) The rate of basic compensation established under this section and received by an individual immediately before a statutory increase, which becomes effective prior to, on, or after the date of enactment of the statute, in the compensation of employees in the postal field service, shall be initially adjusted, effective on the effective date of the statutory increase, under conversion rules prescribed by the President.

"(e) All actions, revisions and adjustments under this section have the force and effect of statute.

"(f) The President may authorize the Postmaster General to exercise the authority conferred on the President by this section."

(e) The table of contents of chapter 45 of

title 39, United States Code, is amended by inserting—

"3561. Higher minimum rates; Presidential authority."

immediately below—

"3560. Salary Protection."

This amendment would have placed upon the Postmaster General, through the President, the requirement to set higher minimum rates of pay for postal employees in those areas where private industry wages exceed postal wages so as to significantly handicap the Post Office Department in recruiting and retaining qualified personnel.

Since I cannot offer my amendment under a closed rule, I plan to introduce a bill Monday to achieve the same result.

Under current law, 5 United States Code 5303, the President has the general authority to establish higher minimum rates of pay for Federal employees in the four statutory pay systems. These systems include the general schedule, the postal field service, Foreign Service, and the Veterans' Administration. The authority to so establish these special rates is delegated by the President to the Civil Service Commission.

Each agency under these pay systems may petition the Civil Service Commission to authorize special minimum rates. However, it has become obvious that the Postmaster General is reluctant to make such a request, and as a result this statute has not been applied to postal employees.

The purpose of the bill, which I am going to introduce, will be to relieve the Postmaster General of the burden of petitioning the Civil Service Commission and to place with him the responsibility to establish special rates of pay in those areas where they are justified.

Recent events tell us that a measure of this nature is necessary to solve at least one of the major problems that confront the operation of our postal system.

This problem is our failure to recognize the fact that the labor market is different in our big industrial States and big cities than in other parts of the country. Thus, the ability of the Post Office Department, from a management point of view, to compete with industry for qualified labor is hampered by its inability to make differentials in pay.

Mr. HANLEY, Mr. Chairman, will the gentleman yield?

Mr. WILLIAM D. FORD. I yield to the gentleman from New York.

Mr. HANLEY. I thank the gentleman for yielding.

Mr. Chairman, I rise in favor of H.R. 16844 which was approved by the Post Office and Civil Service Committee this morning.

Basically, this bill provides a 6-percent pay raise for all Federal employees retroactive to December 27.

This pay raise is most certainly justified. The recent postal strike emphatically demonstrated to us the inadequate wages which many postal employees are forced to accept. We must also realize, however, that a substantial majority of all Federal employees are working at salaries below those enjoyed by their counterparts in private industry.

In 1962, Congress enacted the principle that all Federal salaries should be comparable to those paid in private industry. The general feeling was—and still is—that we cannot expect to have efficient, effective Government without paying fair salaries to attract competent employees. It is false economy to keep Federal salaries artificially low in order to save money. We lose far more in efficiency than we gain.

We have made great strides toward this goal of comparability, but unfortunately Federal salaries in most areas still lag far behind private industry rates.

Postal employees—particularly letter carriers and clerks—have been hard hit by this lag in comparability. And therein lies the fundamental cause of the postal strike.

This 6-percent raise is part of a package negotiated between the Post Office Department and major postal unions. It must be emphasized, however, that this raise will bring Federal salaries only to July 1969 private industry levels. Further action in the near future may be necessary to fulfill our oft-stated commitment to all Federal employees.

Mr. Chairman, we will be called upon soon to take action on the other segments of the negotiated agreement. This agreement includes an additional 8-percent increase for postal employees upon the enactment of a postal reform bill. It also calls for a reduction in the time it takes to reach the top step of a postal field service level. The present period is 21 years; this would be reduced to 8. I was particularly hopeful that this latter provision could be incorporated in the bill pending before us today. I supported such an amendment in committee this morning. Unfortunately, the amendment was defeated, not because the committee opposed the provision, but because of the fear that its inclusion at this point might have upset the negotiations now being held between the Department and the unions.

I am confident that when the second phase of this package is presented in the next few days it will include both the additional 8-percent raise and the compression features of the agreement, and I strongly urge my colleagues to accept these proposals also.

The measure pending today is a vital first step toward solving the problems raised by the postal strike, and I am confident that it will be overwhelmingly endorsed.

(Mr. HANLEY asked and was given permission to revise and extend his remarks.)

Mr. CORBETT. Mr. Chairman, I yield such time as he may consume to the distinguished gentleman from Michigan (Mr. HUTCHINSON).

(Mr. HUTCHINSON asked and was given permission to revise and extend his remarks.)

Mr. HUTCHINSON. Mr. Chairman, I have supported pay increase legislation, I believe, at all times since becoming a Member of this body. I have recognized the principle of comparability in pay between the private and governmental sections of the economy. I voted in favor of

the pay legislation which passed the House on October 14, 1969.

But I shall vote against the bill now before the Committee. It is the fruit of an illegal strike against the Government. It is the result of negotiations between the executive branch and the postal employee organizations, in which, so far as I know, neither this House nor the other body had any voice.

This legislation is here as the result of an illegal strike and under the threat of another. In 1966 Congress made participation in a strike against the Government a felony. It declared that an individual who participates in such a strike shall be ineligible to hold Federal employment. Passage of the present bill under the circumstances in which it is presented makes the antistrike law a nullity. Employee groups now know that they can strike and get away with it. The antistrike law might as well be repealed.

The end result of all this is to transfer the labor cost of Government into the so-called uncontrollable part of the Federal budget. Congress has lost another round in the struggle to maintain itself as a coequal branch of Government. In the future, the labor cost of Government will be decided by negotiation between the executive and employee organizations. The congressional role is being reduced to that of pro forma ratification.

I have no quarrel with the need for a genuine reform in the pay schedules of the Postal Department. But this action of the House here today is not legislating.

Mr. DULSKI. Mr. Chairman, I yield 3 minutes to the gentleman from Montana (Mr. OLSEN).

(Mr. OLSEN asked and was given permission to revise and extend his remarks.)

Mr. OLSEN. Mr. Chairman, I rise in support of this bill and very strongly recommend that we pass this 6-percent across-the-board increase for the benefit of all our Federal employees as well as our postal employees.

Mr. Chairman, it is my feeling that we must recognize that this is purely a cost-of-living increase on which we are voting. Of course, there are other problems that beset the Post Office Department that we will take up in other legislation and, perhaps, it will be separated. One cannot predict how anything will come out of the committee. But I should like to see us vote on postal rates separate from postal reform. However, we do not have any idea, of course, as to how it will come out of the committee.

I think everyone should know that if as a result of this increase we have to raise postal rates, we are going to have to pay for the increase in this bill that goes to postal workers. The increase for other employees will have to be paid out of other tax revenues. That is my opinion. Then, I think postal reform should be a separate matter. As a matter of fact, I very strongly oppose some of the postal reforms that have been talked about. However, I think our committee will work the will of the committee and bring it to the floor for the working of the will of the House of Representatives on all

the other issues. In my opinion it would be wrong to delay this 6-percent cost-of-living increase awaiting postal reform.

Mr. KAZEN. Mr. Chairman, will the gentleman yield?

Mr. OLSEN. I am happy to yield to the gentleman from Texas.

Mr. KAZEN. Did I understand the gentleman to say that later on we will be called upon to raise postal rates in order to pay for the increases contained in this bill insofar as the postal employees are concerned?

Mr. OLSEN. I think you can expect a postal rate bill to come out of the committee to pay for the cost of the postal workers' increase.

Mr. KAZEN. Mr. Chairman, if the gentleman will yield further, what the gentleman is saying is that those of us who support this bill now are obligating ourselves to vote for postal rate increases in the future?

Mr. OLSEN. No; I am not saying that. I am not saying that you are obligated to do so. You will have to speak for yourself. I am not going to obligate you as to whether you should support the Post Office Department's reforms. Undoubtedly some Members will want to continue to support the Post Office Department out of general taxation and not vote for a postal increase. However, that will be the subject of a later discussion.

Mr. KAZEN. What I want to get clear from the gentleman is whether we are bound now if we support this bill to vote for increased postal rates to pay for the increases provided for under this bill?

Mr. OLSEN. I do not think anyone is bound to vote for postal rate increases in order to pay for the cost of this bill. We can finance the Post Office Department out of many kinds of revenue.

Mr. DULSKI. Mr. Chairman, I yield 3 minutes to the gentleman from New York (Mr. BRASCO).

Mr. BRASCO. Mr. Chairman, I thank the distinguished chairman of the committee, and I rise in support of the legislation before this body.

Like other speakers before me, I am not sure that this is a model piece of legislation, but I am sure of one thing—that the money in it is needed by the postal employees.

During the course of this debate I heard a number of Members take the well and talk about the illegal strike. I do not condone the action that was taken, but being a Member from New York, and obviously that strike emanated from New York, I would like to take a moment of your time to talk about the human element involved in that action.

You know, both administrations, during the time that I have served in this Congress, have indicated to me that they have been insensitive to the needs of the Post Office Department and its employees. As a result of that, while many of us advance the slogan "I fight poverty—I work," we have in New York more than 4,000 postal employees who have full-time jobs and who are receiving supplemental welfare assistance. We have literally got the postal employees in economic chains, so let us take a look at what happened here before we talk about the strike and who called it.

In October of last year this body passed legislation that would give the postal employee a fair and adequate raise. With threats of veto from this administration, and over the fact that the Senate refused to act, we waited from October until now. The only way this legislation was brought to the floor of the House was because of that illegal strike. This is unfortunate, but did we really give the employees any choice?

I do not believe that this body or the administration has a right under those circumstances to point an accusing finger at people who have no food on their table.

You know, New York has a particular kind of a problem, because in that town, with \$10,000 a year, you are broke. So when you take men with families and start them at \$6,000 a year, and then after they have been there 21 years you give them \$8,000, no one in good conscience can come into the well of the House and accuse them of illegal actions. In doing so, that proves an additional insensitivity on the part of the Congress.

Something that is very, very classic of what has been going on is the statement made by my good friend, the gentleman from Pennsylvania (Mr. CORBETT), about the fact that he had received a call from the Senate saying "take out of the bill sections 8, 9 and 10," which costs \$100,000 a year, and for people who need that increase, "otherwise come Hell or high water we will not go to conference on this bill, and the people who need the money can just continue not to have it." That is the kind of game that they have been playing on the other side. Like my good friend, the gentleman from Arizona (Mr. UDALL), I am tired of being pushed around. It reflects no credit on this body to engage in childish games to get this legislation passed. I am going to go along with the chairman of the subcommittee on pay and the gentleman from Arizona (Mr. UDALL).

The CHAIRMAN. The time of the gentleman has expired.

Mr. DULSKI. Mr. Chairman, I yield 1 additional minute to the gentleman from New York.

Mr. BRASCO. Mr. Chairman, I thank the gentleman for the additional time.

Mr. Chairman, let me say in conclusion before we accuse those people who initiated the strike—and again I say I do not condone the illegal strike—let us look at the human element and stop singing that song: "Your Lips Tell Me No, No, But There's Yes, Yes in Your Eyes," in reverse to those people. Let us call it square for once and give them what they deserve, because they are entitled to it.

Mr. CORBETT. Mr. Chairman, will the gentleman yield?

Mr. BRASCO. I yield to the gentleman from Pennsylvania.

Mr. CORBETT. Mr. Chairman, I simply wanted to correct an impression in the statement the gentleman made. The call I referred to did not say that they would not go to conference; the call said that they would have to go to conference if we included these things which they did not like. I want to get that definitely

clear. I went on to say that the conference could not happen until next week.

Mr. BRASCO. Mr. Chairman, I apologize if I was mistaken, but I would appreciate it if, the next time that the other body calls you can get the number for me so I can call them and tell them about some of my gripes.

Mr. DULSKI. Mr. Chairman, will the gentleman yield?

Mr. BRASCO. I yield to the gentleman.

Mr. DULSKI. I for one can readily appreciate the statement of the gentleman from New York. Not to be asked to participate in the recent conferences on postal pay and reform is an affront to me, as chairman of the Post Office and Civil Service Committee. So I can understand the gentleman's frustration.

Mr. BRASCO. Mr. Chairman, I thank the gentleman.

Mr. DULSKI. Mr. Chairman, I yield such time as he may consume to the gentleman from New York (Mr. ROSENTHAL).

(Mr. ROSENTHAL asked and was given permission to revise and extend his remarks.)

Mr. ROSENTHAL. Mr. Chairman, the residents of my district were outraged recently when the subway fare was raised by 50 percent. The average citizen, already strapped by inflation's burdens, was asked to pay for the mismanagement of governmental leaders, most of whom rarely see the inside of a subway station.

Now John Doe is being asked to bail out the politicians again—the Nixon administration to be precise.

The President proposes that the cost of first-class mail—mainly utilized by individual citizens—be raised by 66 percent to cover a deserved 6-percent increase in salary for all Federal employees and an extra 8 per percent for postal workers.

Raising the price of first-class mail, which already more than pays its way, is tantamount to imposing a sales tax on the general public. This is all the more onerous when business enterprises and mail order houses, under the Nixon proposal, would receive preferential treatment. Second-class mail costs would rise by only 16 percent and junk mail—third class—by only 5 percent, even though they are currently operating at a deficit and are subsidized by the taxpayer.

The President originally sought to delay Federal employees pay raises on the grounds of inflationary pressures, although he refused to issue wage and price guidelines for private industry. Now that the postal strike has backed the President into a corner, his administration has evidently decided the public interest once again must be sacrificed.

Unfair pay scales would not be redressed from the General Treasury as they should be. Instead of diverting some of the appropriations pouring endlessly into Vietnam, the President is further taxing the public so his administration can boast of a budget surplus and strong anti-inflationary policies at the end of the coming fiscal year.

Another element of the Nixon administration's proposal reflects its callous-

ness. One of the inequities leading to the postal strike was the political extortion employed by the administration, which tied pay raises to postal reform. An examination of the White House's new proposal shows the same technique has been retained, since the 8-percent increase planned solely for postal workers is still linked to postal reform.

Congress must assert its leadership in the wake of the administration's failure to recognize national priorities and spread the burdens of our burgeoning economy equitably.

I will support the general pay raise for all Federal workers, for they deserve this increase.

I will support the extra pay increase for all postal employees, for they have been promised more and given less than any other group of Federal workers.

But I will oppose any attempt to finance these increases with a regressive postal rate increase.

And I shall continue to oppose this administration's basic error of tying a legitimate need of postal workers for more pay to Post Office reform. Whatever the merits of that plan—and I shall consider them carefully—they must be judged separately and on their own merits.

Mr. CORBETT. Mr. Chairman, I yield myself such time as I may require.

Mr. Chairman, I would simply like to announce a correction in an earlier statement that I made, namely, that I would move to recommit and strike sections 8, 9, and 10.

Now then my motion to recommit will be restricted to cutting out section 9 and section 10.

As to section 8, the chairman of the Civil Service Commission is very much for that and I hope the other body might accept that without the cumbersome business of going to conference.

Also, I would like to emphasize that I favor these sections, but they should be separate and handled separately. I hope the committee will soon do so.

Mr. Chairman, I yield such time as he may consume to the gentleman from Illinois (Mr. SPRINGER).

(Mr. SPRINGER asked and was given permission to revise and extend his remarks.)

Mr. SPRINGER. Mr. Chairman, this legislation today will provide a 6-percent across-the-board increase in the salaries of postal and other Federal employees. The 6 percent will also apply to military personnel under the provision of section 6A of the act of December 16, 1967.

The Federal pay increase legislation is long overdue. In a public statement of October 19, 1969, I pointed out that postal employees were lagging behind comparable positions in the private enterprise fields at the same levels. I trust that my colleagues on the Post Office and Civil Service Committee will forgive me for the way in which I have pursued them, both Democrats and Republicans, to get this legislation to the floor. It was my belief that this was one of the most necessary things to help in keeping morale alive for the postal and other Federal employees. I had very strong feelings about it, and I know that my friends on the committee understood this.

Postal and other Federal employees are denied the right to strike. The only protection they have in securing salary raises to keep them level with employees in the private field is their recourse to the Congress of the United States. In spite of the fact that we only got to the legislation today, I do want to commend the postal and other Federal employees for the patience they have shown in staying on the job and delivering the mail under discouraging circumstances which seemed to ignore their vital interests.

In my own district, I do not have a record of notice of a single employee who did stay away from his job or had a "sick-out." The employees in my district were loyal in every respect. They are to be commended for their actions under these difficult circumstances.

Fortunately, the 6-percent pay increase is made retroactive to the first day of the first pay period which began on December 27, 1969. This was done in order to reduce the time lag between the ascertainment of the Bureau of Labor Statistics survey of actual wages being paid in the private sector of the economy and the effective date of Federal salary adjustments. The President of the United States, the Postmaster General, and the Bureau of the Budget all spoke directly in favor of enactment of this legislation. I know that there are many other of my colleagues that felt that enactment of this legislation should have taken place months ago, and with them I have joined. They are to be commended for the diligence with which they acted in using their influence to get this bill to the floor.

Mr. Chairman, even though this legislation is long overdue, I am glad at least that it is here today on the floor for action, and that these employees who so badly need this raise will be able to get it along with some back pay which will at least alleviate some of the injustices to which postal and Federal employees have been subject to in the last few months.

Mr. DULSKI. Mr. Chairman, I yield such time as he may consume to the gentleman from New York (Mr. LOWENSTEIN).

Mr. LOWENSTEIN. Mr. Chairman, I appreciate the courtesy of the distinguished gentleman from New York.

(Mr. LOWENSTEIN asked and was given permission to revise and extend his remarks.)

Mr. LOWENSTEIN. Mr. Chairman, I thank the distinguished chairman for yielding me time. I simply want to add to what we have been told so effectively by my friend, the able gentleman from Michigan (Mr. WILLIAM D. FORD). This bill does nothing in fact to correct the basic injustices of the wage scale that the postal employees live with. It is at best a cost of living adjustment, already long overdue.

Is it not high time that we faced the necessity of paying postal employees a decent living wage? I will vote for this bill, but it is hardly the kind of legislation that entitles us to congratulate ourselves for having dealt fairly with the grievances of the postal employees. It may provide a respite so we have time to deal fairly with those grievances. I hope

it does. But I hope we then use it to deal with those grievances at least. Let me emphasize that we will not have solved the postal crisis, even the short-range one, when we pass this bill.

Mr. THOMPSON of Georgia. Mr. Chairman, will the gentleman yield?

Mr. LOWENSTEIN. I yield to the gentleman.

Mr. THOMPSON of Georgia. Mr. Chairman, I would like to make this point in commenting on the statement of the gentleman from Michigan (Mr. WILLIAM D. FORD), a member of the committee. I was on the committee when the amendment was offered by the gentleman, and I opposed it. I hope if it ever comes before this body it will be rejected for the simple reason that I am sick and tired of having northern Congressmen suggesting that postal workers in the South, in Atlanta, Ga., or Willacoochee, Ga., for example, receive less than what is paid to postal workers in New York City or in Detroit.

Postal workers in the South do deserve this raise. They are entitled to it and I intend to vote for it.

Mr. Chairman, I will not support any wage differential that is going to treat people in the South differently than people in the North. We are getting a little bit tired of being kicked around by northerners who think that they should be paid more than southerners. It costs just as much, and in fact more, to buy an automobile in Atlanta, Ga., than it would in New York City or Detroit, Mich. Postal workers in the South are doing the same work and they are entitled to the same pay.

A television set costs the same amount of money in the South as the North and I say our postal workers in the South are entitled to everything the postal workers in the North are entitled to. I for one am going to see that they are not denied it by any amendment designed to raise only the wages in the North.

Mr. LOWENSTEIN. I certainly am opposed to discriminating against anyone anywhere in the country on grounds of race, sex, region, or anything else that is not connected to individual worth.

The problem is that it costs a great deal more to live in the metropolitan areas of the country, whether in the North or in the South, than it costs to live in rural areas or in small towns. So it is not a question of the region of the country, but rather a question of differences in the cost of living.

I would also like to say something about all these denunciations of the postal employees for resorting to what some people have called "blackmail." What is it if it is not "blackmail" when the Administration refuses to approve salary adjustments whose merit they do not even try to dispute, unless it gets its way on other legislative matters? Who has been holding who hostage for what and for how long? It seems to me it would be accurate to say that it is the postal employees who have been held hostage—the faithful men and women whose legitimate requests have been treated with something between disregard and contempt for as long as most

of us here can remember. In short, should people's wages be kept below what everyone acknowledges to be fair as a lever to pry loose other legislation?

Let me stress that I want to be just as fair to postal employees in Atlanta, or anywhere else, as to postal employees in New York, but I wish my friends from Georgia and other States would be concerned also about fair wages for all workingmen in their States. If they are, perhaps they will even support legislation that would help textile workers and workers in other industries to be paid adequately.

Mr. WILLIAM D. FORD. Mr. Chairman, will the gentleman yield?

Mr. LOWENSTEIN. I yield to the gentleman from Michigan.

Mr. WILLIAM D. FORD. I should like to explain the way my amendment would work. It would provide comparability in the very important sense of being comparable to what is the labor market in the area where one is hiring employees. I suggest that the way to be sure that the Atlanta postal worker is paid as much as in Detroit is to join me in other legislation which would eliminate some of the repressive labor legislation that you have in your State and to bring the wages of your textile workers and a few automobile workers that you have up to the level of the Detroit automobile workers. Then the postal workers would automatically have their wages brought into line with what the Detroit worker would get. It is not a system that would be used against the people in the South. It is not me who wants to hold back the wages in the South. I hope that you are not suggesting that rather than see progress for anyone, we should retain the status quo of repressed wages for everybody.

Mr. THOMPSON of Georgia. Mr. Chairman, will the gentleman yield?

Mr. LOWENSTEIN. I will yield in a minute. I want to try again to make something explicitly clear. No one I know of is proposing discriminatory pay scales based on region. My friend from Georgia keeps implying that we are trying to discriminate against the South. That is simply not so. All we are saying is that salaries for Government employees must be comparable to wages paid to other kinds of employees all over the United States. That is the principle that governs the pay of wage board employees. After all, the cost of living has something to do with how much people must earn to live decently, and it has something to do as well with how management must go about hiring people.

I yield to the gentleman from Georgia.

Mr. THOMPSON of Georgia. The gentleman from Michigan said that apparently I did not understand his amendment. I understood full well. I understood that what he was proposing was a method of paying more money for doing the same job to an employee in New York City than to an employee in Macon, Georgia. I say that the employee in Macon, Georgia, is entitled to the same amount of money for doing the same job. You talk about comparability. I will talk about comparability of the work that people perform.

I do not intend to support any measure which will create any regional wage differential in this House for postal workers. If I do not understand the amendment as the gentleman from Michigan says, then the postal worker who would get less money for the same kind of labor in the South under his amendment certainly would understand it.

Mr. LOWENSTEIN. If my hearing is not failing me, my friend from Georgia has abandoned Atlanta, which he represents, and adopted Macon, which he does not. I wonder if that could be because it has occurred to him that under a fair formula postal employees in Atlanta would be paid pretty much the same on the same scale as postal employees in other metropolitan areas around the country. That fact, of course, would dispel any theory that anti-Southern bias is involved in the proposal of the gentleman from Michigan.

Mr. THOMPSON of Georgia. Macon, Savannah, Columbus, Augusta, Atlanta—any of them.

Mr. LOWENSTEIN. I seem not to have converted the distinguished gentleman from Georgia, though I seem to keep expanding his constituency.

We have strayed from the main point I was trying to make: that a cost-of-living adjustment such as is included in this bill—whether done across the Nation or by area—does not meet the issue we should be facing. We are tinkering with an unfair wage scale. We should instead adopt a fair wage scale. If we want to tinker, we could then tinker with that. It would be much fairer and wiser to find a way to give Government employees fair pay without requiring congressional decisions every time adjustments are necessary. A procedure like that would be better for the employees, it would be better for the Congress, and heaven knows it would be better for the country.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. DULSKI. Mr. Chairman, I reserve the balance of my time.

Mr. CORBETT. Mr. Chairman, I yield back the balance of our time.

Mr. DULSKI. Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. Moss).

(Mr. MOSS asked and was given permission to revise and extend his remarks.)

Mr. MOSS. Mr. Chairman, this debate here today takes me back some 15 years to the 84th Congress and the first major floor fight in which I found myself. On that occasion the postal pay bill came to the floor by the discharge petition route. I believe it went through two vetoes, and finally on the third time around it was adopted. We needed postal reform then, and we need it now, but we need to reform the method whereby we treat with the employees of the Federal Government, be they in the Post Office or in the classified service of our Government. We have one of the most cumbersome and outmoded systems of salary-setting that exists anywhere on earth today.

We will continue for the next 15 years unless some of the suggestions discussed here today by gentlemen such as Mr.

UDALL of Arizona and Mr. FORD of Michigan are given careful and serious consideration.

In my State, I believe we have a model system of setting salaries. It takes into consideration the differing levels of income in different parts of the State. It also arranges for annual adjustment of salaries so that there is not the long lag time. If we were to pass a bill today that brought to Federal employees complete comparability with their counterparts in private industry, they would still be out of pocket because of the long lag time which they inevitably encounter between pay raises.

Mr. Chairman, I urge the distinguished gentlemen of the Civil Service Committee to concentrate their energies upon seeking this kind of solution so that we may fashion the kind of machinery which deals fairly with our employees.

Mr. DULSKI. Mr. Chairman, will the gentleman yield?

Mr. MOSS. I yield to the gentleman from New York.

Mr. DULSKI. Mr. Chairman, we had that machinery in the bill H.R. 13000, but we never got it out of conference.

Mr. MOSS. Mr. Chairman, I recognize that the other body can dig in with its heels and be extremely difficult to deal with, but sometimes we are going to have to dig in with ours and be just as difficult to deal with, because the objective here is in every sense a legitimate one.

There is a public need and a crying need. This Nation should be a model employer. It should have the finest methods of dealing with its employees. It is a disgrace to find we are not in any sense a model employer, that we abuse and exact far more from our employees than they can tolerate. That is illustrated in the act of defiance, if we want to call it that, of the postal workers actually going on strike. It is illustrated today by the intolerable conditions under which the air controllers are required to work. We ought to be better housekeepers of our own establishment and deal more fairly with the people who work for the American public.

I urge the adoption of this bill as an interim measure and suggest we move on rapidly to give true equality in pay of Federal workers.

Mr. WRIGHT. Mr. Chairman, I support the pay raise for postal and civil service employees. It is clearly overdue. The cost of living has made the present pay structure obsolete, and it never has been truly comparable to that for similar work in private industry.

Emphatically, however, I want it clearly understood that my support for this measure is based solely upon equity and merit and that it should not under any circumstances be misconstrued by any person as a bribe or reward to postal workers because of the recent illegal strike conducted by a relatively small irresponsible fringe group from among their numbers.

It should be emphasized that both the House and the Senate have supported similar pay increase legislation which passed both bodies last year. Obviously, we were aware of the need for a more

realistic pay scale. The present proposal is considerably short of the amounts requested by the fringe group in the demands which accompanied its arrogant action last month.

It should be made clear at every opportunity that the great overwhelming majority of American postal and civil service employees are sensible and patriotic Americans, dedicated to the high calling they serve, and that the preponderant majority of them declined to participate in this irresponsible effort to blackmail the Government and the public for whom they work.

Beyond this, I think it is imperative that those who instigated and willfully participated in this illegal strike against the Government must be punished in some measure for their malfeasance. The law clearly defines this as an illegal action. It was clearly contrary to their sworn oaths. It bespoke a brazen, arrogant, and selfish disregard for their word of honor, for their country, and for the people of the country.

If this act is allowed to go wholly unpunished by the administrative branch of Government charged with carrying out the laws which already exist, then an extremely dangerous precedent will have been established. It will have been established that one may strike illegally against his own Government and avoid paying the penalty prescribed by law. Such a precedent, to me, would be unthinkable.

There can be absolutely no excuse whatever for any public employee to strike against the Government and the people he is sworn to serve.

During my 15 years in Congress, I have worked closely with the postal workers of my area in numerous efforts to improve their wages and working conditions. We have fought many battles together, and I count among the postal employees many very good personal friends. They are intelligent, levelheaded, dedicated people who feel, as I do, that Government service is not just a job but a public trust.

Every American depends upon the postal service, and every American is entitled to feel that his confidence is not misplaced.

In the wake of the shameful, lawless, and irresponsible strike by postal carriers in New York and several other places, I can only say that, while I am utterly appalled at the reckless acts of those few, my trust in the postal employees generally has not been misplaced.

Therefore, I gladly support this bill. In doing so, however, I call upon the administrative branch of Government to uphold and carry out the law which makes that strike punishable. Punishments listed in the existing law include fine, imprisonment, and dismissal from the service.

Obviously, it would be impractical to envoke jail sentences against all the postal workers who so cravenly betrayed their trust. But there is nothing whatever to prohibit a fine or a reduction in grade, or in the case of the leaders who fomented this act of anarchy, dismissal from the service.

Mr. ESCH. Mr. Chairman, as a former postal worker and one who has long championed the cause of comparability I am delighted that the Congress is at long last beginning to recognize its responsibilities to the thousands of postal workers who serve the Nation. We have long used great amounts of rhetoric about comparability and pay increases. But rhetoric will not pay bills and rhetoric will not encourage trained personnel to stay in postal services at low wages.

It is high time that we approve postal pay raises, and I am therefore glad to indicate my strong support for the bill which is before us today. It is another major step down the road to a more effective postal system.

However, we simply must not stop here. We must examine the very nature of the postal system and the reasons that it has been allowed to deteriorate into present disgraceful conditions. Among the most serious problems in the postal system has been the lack of proper personnel management. It is incredible that within the system there is no means of recognizing those employees who are particularly talented and dedicated. Promotions are difficult to achieve and frequently take place only at a financial sacrifice to the postal worker involved. It takes an incredible 21 years for a postal worker to achieve top pay scale. There is little or no opportunity for a postal worker to bargain for improved working conditions and regulations.

I firmly believe that the proposed postal reform legislation which would create a postal corporation, run on a businesslike basis—including businesslike negotiations between management and labor—would go a long way toward correcting this situation. Because of the provisions in the proposed bill which would allow for raising outside capital for improvement in equipment, buildings, and systems, this legislation would provide better working surroundings for our postal workers and would make their job easier. In order to deal with the increasing burden of mail, our postal workers need the assistance of modern, up-to-date methods and machines.

I therefore urge this House to take prompt action on the second phase of the postal negotiations—the postal reform legislation including an additional pay raise for workers to bring them closer to true comparability.

There is one major disappointment in this bill today. I believe that it is very important that this House gave the bill a closed rule and did not give a chance for free and open debate to separate all matters from the pay increase. In doing so they failed to allow this House to work its will in separating out the postal pay increase and in examining that issue separately from the general Federal employees' pay increase.

Mr. TAFT. Mr. Chairman, I am happy to express my support of the Federal Employees Salary Act of 1970. I am especially glad to see the postal employees get a well-merited increase.

Hopefully, we will soon act on postal reform, which I believe is essential to

the future well-being of the postal service and of its employees.

Mr. DANIELS of New Jersey. Mr. Chairman, I rise in full support of this long overdue bill to raise the pay of postal and Government workers. This House passed back in October 1969, a postal pay bill which would have granted a substantial and equitable increase to all Federal employees as well as removing many of the inequities now plaguing these workers.

In the meantime, in the face of a threat of a Presidential veto, a threat reinforced by the extraordinary veto of the HEW-Labor Department appropriation bill, the salary bill was held up in the other body pending hearings and consideration of total postal reform. The administration's position was that unless postal reform embodied the administration's postal corporation concept, the President would refuse to sign into law a raise for postal and other classified workers.

In short, a raise for postal and classified workers was held hostage in return for which the Congress must pay ransom in the form of a postal corporation.

This is not the way to legislate. The result was a postal strike unprecedented in the American history; 160,000 postal workers, disgusted by political blackmail, lost faith in the ability of their Government to respond to reason and justice and, in words from another era in our labor history, "hit the bricks."

I have stated before that, as a legislator who took an oath to support the Constitution and laws of the United States, I could not support the strike regardless of my sympathy to the plight of these workers. But neither can I support this type of political blackmail by which the only losers are postal and government workers. It is not the way gentlemen make laws.

There is no question of the justice of the demands of these workers. All the parties have admitted that fact.

Postal workers in large cities often must work two jobs while their wives work another in order to make ends meet. I was told of one family, which I am advised is representative of thousands more, whose salary is only \$10 more than the minimum required to qualify for welfare. In this case, if this postal worker could have qualified for welfare, his family would have been entitled to hundreds of dollars more in health and food benefits. In the New York-New Jersey area, the Federal Government has stated that a family of four living in moderate circumstances needs \$11,700 per year. The top salary a postal clerk or carrier can earn after 12 steps and 21 years of service, however, is \$8,442.

Moreover, all the parties admit that the 6-percent raise upon which we are voting today is not adequate. The administration has promised to support another 8-percent increase for postal workers later in the year providing Congress votes for postal reform. Regrettably, however, I have heard it said that the reform must be a postal corporation. This form of pressure, which accrues only to the detriment of the innocent workers would be

reprehensible and likely to result in another stalemate and possible strike. I strongly urge the administration not to take us down the same road and give us two postal strikes in the same year.

The Congress is invested with the authority and responsibility to reform the postal system consistent with the President's approval. If the Congress and the Chief Executive are to be at loggerheads, however, let the loser be limited to one or the other, and not the postal and Government workers who deserve far better treatment than they have had until today.

I do not believe that a Government pay raise ought to be tied in any way to acceptance of postal reform. If Government employees deserve a raise, that raise should come about as a result of economic and not political justification.

Mr. FULTON of Pennsylvania. Mr. Chairman, while because of illness I am not on the floor, I want my views and my strong support of this legislation to be clearly known.

We are lucky to have such fine postal workers and Federal employees with their good approach toward government and their loyal service through the years to the American people. Too often their willingness and outstanding work has reacted to the detriment of the very employees who are giving such good service.

I want to make my position crystal, clear and my strong support of this legislation plain. I firmly believe in complete comparability with private industry and that our Government should be the employer that everybody looks to for leadership and should not always be lagging. I look ahead to the procedures being developed by adequate negotiations with employee representatives and the Government, so that the negotiations are a high level of collective bargaining.

The recent negotiated package also includes a subsequent 8-percent raise for postal workers only, linked with postal reform, going part way toward the postal corporation plan proposed by President Nixon. I have long favored the reform of the Post Office Department for better efficiency, so there could be better pay, better fringe benefits, and better retirement, as well as good service for the American public. I have said many times a good day's work is worth a good day's pay.

I hope we are overcoming the feeling that any group of Government employees should bear the full brunt of the fight against inflation, and that they should be the ones who are always held behind under all administrations because of so-called budgetary limitations. I am glad that we are moving forward to obtain justice for our fine Government employees and postal workers. This should be the start of the development of basic procedures for negotiation between Government officials and employee representatives.

The postal unions and Government employee unions have shown responsibility. They have responded to the needs of the people when it was shown that the mail had to be delivered. They are to be complimented.

On any reform in the Post Office we must see that it is not used in order to

have subsidies for various kinds of mail because of political pressures, but there must be just rates for everybody. I think there should be a thorough checking by the congressional committees of the justice of the current rate structure now being charged. There are some portions of this legislation that I personally do not favor, but overall I feel that it is the best interest of the American people, the postal employees, and the Federal Government employees, as well as their unions.

I recall that we in the House of Representatives did our duty when on last October 18 we passed pay raise legislation retroactive to October 1, 1969. The bill then was sent to the Senate where it was not acted upon until later in December when the first session of the 91st Congress was almost over. At that time the Senate passed a much weaker bill. An extended period then occurred when there was no meeting of the conference committee on the disagreeing vote between the two Houses. This period extended so long that, naturally, the Government employees and the postal workers were upset and felt that they were being ignored. We in Congress have the duty to represent these people and represent them well.

As a World War II Navy veteran myself, it is especially gratifying to see, that included in this legislation is, a pay raise for our fine 3½ million service men and women. These dedicated men and women are defending our country, maintaining the security of the American people, safeguarding the freedom of the sea and airways, and protecting the free world.

The U.S. serviceman is called on for day and night duty. He not only bravely accepts peril to himself, but separation from his family, friends and loved ones for extended periods of time.

I favor working toward a volunteer U.S. military service, highly paid and technically trained. I also favor maintaining the fine reserve units which add so much to our protection and give such loyal service right at home. We must not allow these units to be overlooked in these unsettled times.

We must all work for an early peace with honor. This must be our American goal. Tragically, we have not had the support of our friends and allies in the free world in Vietnam as we had hoped but every man that has served in Vietnam and his family are to be congratulated on their high patriotism, devotion to duty and dedication.

Count on my strong support of this legislation to provide just pay for our postal workers, Government employees, and good U.S. service men and women.

Mr. DONOHUE. Mr. Chairman, whatever may be said about the dramatic atmosphere in which this legislation developed, there can be no doubt that the salary adjustments contained in H.R. 16844 amount to no more than simple justice. Consumer prices rose more than 6 percent during the past year, and Government employees, no less than workers in the private sector, need a 6-percent pay raise merely to recapture the ground lost on the treadmill of inflation.

We cannot condone the very questionable tactics used by some to dramatize their economic hardships, but we can move to correct the deplorable conditions that precipitated them. The starting salary of postal employees, a group long noted for loyalty and dedication to service, is \$6,176, with a top limit of \$8,442—a range of less than \$2,300—after 21 years of service. Little wonder that the postal service has such alarmingly high rates of personnel turnover, approaching 50 percent in recent years. Such a turnover rate is completely inconsistent with the building of a dedicated corps of career employees.

The administration has displayed initiative in meeting with employee representatives and agreeing on a proposal to be submitted to Congress. In my opinion, Mr. Chairman, H.R. 16844 represents a responsible beginning toward remedying the deficiencies in the postal and federal employee pay schedules.

Since 1962, the Congress has been rightfully committed to the principle that pay rates in governmental service should be comparable to pay in the private sector for work of similar skill. As I pointed out just last October during discussions of the proposed Federal Comparability Pay Act of 1969, Congress, the executive branch, and the country at large have a vital interest in seeing that Government employees "achieve their objectives of obtaining fair pay and fair treatment in accord with comparable standards of our American free enterprise system."

It is in this spirit that I urge speedy approval, without crippling amendments, of H.R. 16844.

Mr. CONYERS. Mr. Chairman, the plight of postal workers and their families can be overlooked no longer. Their grievances are real and legitimate. In many areas of the country the economic standing of postal employees qualifies them for public assistance payments. The great cost of living increases of the last few years have compounded the already grievous situation. I support full comparability now. For years these men and women have been promised wage comparability relative to similar work in private enterprise and have never received it. The bill now under consideration fails once again to meet that commitment. When voting today on H.R. 16844, Congress should recognize that a retroactive 6-percent wage increase is a step in the right direction but will not by any stretch of the imagination relieve the conditions under which postal employees have worked for so long.

Mrs. GREEN of Oregon. Mr. Chairman, I would like to add my voice in support of postal pay increases. It is truly shocking to have to face up to how badly paid our postal employees have remained throughout this period of rampant inflation.

If I have any regret, it is simply that action was not completed earlier to grant these much-needed pay raises for Post Office employees, and at the same time thereby have spared ourselves a lot of the turmoil and upheaval of these last few weeks. We all recall very vividly that this body authorized a pay increase of

5.4 percent in October 1969. It is most unfortunate that we were not able to meet in conference with the other body so that we might have finished action months ago to meet the justifiable plea of our Post Office employees for more equitable compensation.

So by all means, let us take swift action and make the 6 percent increase the law—the better to get on with consideration of a further 8 percent increase and meaningful postal reform.

Mr. RARICK. Mr. Chairman, little more than a year has gone by since this House, by its inaction, fleeced the American taxpayers to put money into the pockets of Federal employees—including Congressmen—who are supposed to be the servants and not the masters of the American people.

At that time there was an agreement between the leadership of both parties to allow the salary increase which had been recommended by a shadow group under the Federal Salary Act take effect by the simple expedient of taking a recess. Then no Member could be able to prevent the pay raise—and better still, no Member would need explain to his constituents why he had commenced his term of office by increasing his salary.

The position which I took at that time was not exactly popular. I tried to prevent the pay raise. I introduced a measure, House Resolution 208, to stop this business. Nothing was done. I include that measure in my remarks at this point:

H. RES. 208

Resolved, That the House of Representatives hereby disapproved all of the recommendations of the President of the United States, with respect to the rates of pay of offices and positions within the purview of subparagraphs (A), (B), (C), and (D) of section 225(f) of the Federal Salary Act of 1967 (81 Stat. 643; Public Law 90-206), transmitted by the President to the Congress in the budget for the fiscal year ending June 30, 1970.

It was apparent to me then, and it is apparent to me now, that the cost of salary increases will come out of the pockets of the hard-working American taxpayer. He can expect the surtax to be continued, other taxes to be increased or imposed, and the postage to go up—possibly to 10 cents. What he does not pay directly, he will pay indirectly, either in the cost of doing business passed on to him in the products he buys, or in the cruel tax of inflation on consumers if we go to further deficit financing.

As I said last February, I hold the stewardship of the one vote of the people who sent me here to represent them in this body. I intend to vote today as we did not have the opportunity to vote last February—against the salary increase which will come out of their pockets and speed up the spiral of inflation.

American taxpayers, paying the highest taxes in the history of the Republic, are entitled to representation in their Congress. I will represent my people and vote against this irresponsible measure.

Mr. DULSKI. Mr. Chairman, I yield back the balance of our time.

The CHAIRMAN. There being no further requests for time, pursuant to House Resolution 905, the bill shall be considered as having been read for amend-

ment, and no amendments to the bill are in order except by direction of the Committee on Post Office and Civil Service, and such amendments are not subject to amendment.

The bill is as follows:

H.R. 16844

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Federal Employees Salary Act of 1970".

SEC. 2. (a) (1) The President shall increase the rates of basic pay, basic compensation, and salaries (as such rates were increased by Executive Order Numbered 11474, dated June 16, 1969) contained in the schedules listed in paragraph (2) of this subsection by amounts equal, as nearly as may be practicable and with regard to maintaining approximately equal increments within any grade, level, or class of any such schedule to 6 percent.

(2) The schedules referred to in paragraph (1) of this subsection are as follows: the General Schedule contained in section 5332 (a) of title 5, United States Code; the Postal Field Service Schedule and the Rural Carrier Schedule contained in sections 3542(a) and 3543(a), respectively, of title 39, United States Code; the schedules relating to certain positions within the Department of Medicine and Surgery of the Veterans' Administration and contained in section 4107 of title 38, United States Code; and the Foreign Service schedules contained in sections 412 and 415 of the Foreign Service Act of 1946.

(b) Rates of basic pay, basic compensation, and salaries of officers and employees paid under the schedules referred to in subsection (a) of this section shall be increased initially under conversion rules prescribed by the President or by such agency as the President may designate.

(c) The increases made by the President under this section shall have the force and effect of law and shall be printed (1) in the Statutes at Large in the same volume as public laws, (2) the Federal Register, and (3) the Code of Federal Regulations.

"SEC. 3. (a) The rates of pay of personnel subject to sections 210 and 214 of the Federal Salary Act of 1967 (81 Stat. 633, 635; Public Law 90-206), relating to Agricultural Stabilization and Conservation County Committee employees and to certain employees of the legislative branch of the Government, respectively, and any minimum or maximum rate, limitation, or allowance applicable to any such personnel, shall be adjusted, effective on the first day of the first pay period which begins on or after the date on which adjustments become effective under this section, by amounts which are identical, insofar as practicable, to the amounts of the adjustments under this section for corresponding rates of pay for employees subject to the General Schedule, by the following authorities—

"(1) the Secretary of Agriculture, with respect to individuals employed by the county committees established under section 590h (b) of title 16;

"(2) the Comptroller of the Senate, with respect to the United States Senate;

"(3) the Finance Clerk of the House of Representatives, with respect to the United States House of Representatives; and

"(4) the Architect of the Capitol, with respect to the Office of the Architect of the Capitol.

The provisions of this section shall not be construed to allow adjustments in the rates of pay of the following officers of the United States House of Representatives: Parliamentarian, Chaplain, Clerk, Minority Clerk, Sergeant at Arms, Minority Sergeant at Arms, Doorkeeper, Minority Doorkeeper, Postmaster, Minority Postmaster.

"(b) Notwithstanding section 665 of title 31, the rates of pay of employees in and under the judicial branch of the Government, whose rates of pay are fixed by administrative action pursuant to law and are not otherwise adjusted under this section may be adjusted, effective on the first day of the first pay period which begins on or after December 27, 1969, by amounts not to exceed the amounts of the adjustments under section 2(a) of this Act for corresponding rates of pay. The limitations fixed by law with respect to the aggregate salaries payable to secretaries and law clerks of circuit and district judges shall be adjusted, effective on the first day of the first pay period which begins on or after the date on which adjustments become effective under this section, by amounts not to exceed the amounts of the adjustments under this section for corresponding rates of pay.

"(c) The rates of pay of United States attorneys and assistant United States attorneys whose annual salaries are fixed pursuant to section 548 of title 28, United States Code, shall be increased, effective on the first day of the first pay period which begins on or after December 27, 1969, by amounts equal, as nearly as may be practicable, to the increases provided pursuant to section 2 of this Act for corresponding rates of pay.

"(d) Notwithstanding section 665 of title 31, the rates of pay of employees of an executive agency and of the government of the District of Columbia whose rates of pay are fixed by administrative action pursuant to law and are not otherwise increased pursuant to this section are hereby authorized to be increased, effective on the first day of the first pay period which begins on or after December 27, 1969, by amounts not to exceed the increases provided pursuant to section 2 of this Act for corresponding rates of pay in the appropriate schedule or scale of pay.

SEC. 4. (a) An increase in pay, compensation, or salary which becomes effective under section 2 of this Act is not an equivalent increase in pay within the meaning of section 5335 of title 5, United States Code, or section 3552 of title 39, United States Code.

(b) Nothing in this Act shall impair any authority pursuant to which rates of pay, compensation, or salary may be fixed by administrative action.

(c) Notwithstanding any other provision of this Act—

(1) any officer or employee of the United States Government receiving pay, compensation, or salary which is less than the basic pay for level V of the Executive Schedule in section 5316 of title 5, United States Code, in effect on the date of enactment of this Act, shall not have his pay, compensation, or salary increased, by reason of the enactment of this Act, to a rate in excess of the basic pay for such level V; and

(2) any officer or employee of the United States Government receiving pay, compensation, or salary equal to or in excess of the basic pay for such level V shall not have his pay, compensation, or salary increased.

SEC. 5. (a) Retroactive pay, compensation or salary shall be paid by reason of this Act only in the case of an individual in the service of the United States (including service in the Armed Forces of the United States) or the municipal government of the District of Columbia on the date of enactment of this Act, except that such retroactive pay, compensation, or salary shall be paid—

(1) to an officer or employee who retired, during the period beginning on the first day of the first pay period which began on or after December 27, 1969, and ending on the date of enactment of this Act, for services rendered during such period; and

(2) in accordance with subchapter VIII of chapter 55 of title 5, United States Code,

relating to settlement of accounts, for services rendered, during the period beginning on the first day of the first pay period which began on or after December 27, 1969, and ending on the date of enactment of this Act, by an officer or employee who died during such period.

Such retroactive pay, compensation, or salary shall not be considered as basic pay for the purposes of subchapter III of chapter 83 of title 5, United States Code, relating to civil service retirement, or any other retirement law or retirement system, in the case of any such retired or deceased officer or employee.

(b) For the purposes of this section, service in the Armed Forces of the United States, in the case of an individual relieved from training and service in the Armed Forces of the United States or discharged from hospitalization following such training and service, shall include the period provided by law for the mandatory restoration of such individual to a position in or under the United States Government or the municipal government of the District of Columbia.

SEC. 6. (a) Section 11-702(d) of the District of Columbia Code is amended by striking out "\$29,000" and "\$28,500" and inserting in lieu thereof "\$36,500" and "\$36,000", respectively.

(b) Section 11-902(d) of the District of Columbia Code is amended by striking out "\$28,000" and "\$27,500", and inserting in lieu thereof "\$34,500" and "\$34,000", respectively.

(c) The first sentence of the second paragraph of section 2 of the District of Columbia Revenue Act of 1937, as amended (D.C. Code, sec. 47-2402), is amended by striking out "\$27,500" and inserting in lieu thereof "\$34,000".

SEC. 7. The third sentence of subsection (b) of the first section of the Act of August 25, 1958, as amended (3 U.S.C. 102 note), is amended by striking out "\$80,000" and inserting in lieu thereof "\$96,000".

SEC. 8. Section 5545(c) (2) of title 5, United States Code, is amended to read as follows:

"(2) an employee in a position in which the hours of duty cannot be controlled administratively, and which requires substantial amounts of irregular, unscheduled, overtime duty with the employee generally being responsible for recognizing, without supervision, circumstances which require him to remain on duty, shall receive premium pay for this duty on an annual basis instead of premium pay provided by other provisions of this subchapter, except for regularly scheduled overtime, night, and Sunday duty, and for holiday duty. Premium pay under this paragraph is determined as an appropriate percentage, not less than 10 per centum nor more than 25 per centum, of such part of the rate of basic pay for the position as does not exceed the minimum rate of basic pay for GS-10, by taking into consideration the frequency and duration of irregular unscheduled overtime duty required in the position."

SEC. 9. (a) Section 5942 of title 5, United States Code, is amended to read as follows:

"§ 5942. Allowance based on duty at remote work sites

"Notwithstanding section 5536 of this title, an employee of an Executive department or independent establishment who is assigned to duty, except temporary duty, at a site so remote from the nearest established communities or suitable places of residence as to require an appreciable amount of expense, hardship, and inconvenience on the part of the employee in commuting to and from his residence and such worksite is entitled, in addition to pay otherwise due him, to an allowance of not to exceed \$10 a day. The allowance shall be paid under regulations prescribed by the President establishing the rates at which the allowance will be paid and defining and designating those sites, areas, and groups of positions to which the rates supply."

(b) Notwithstanding section 5536 of title 5, United States Code, and the amendment made by subsection (a) of this section, and until the effective date of regulations prescribed by the President under such amendment—

(1) allowances may be paid to employees under section 5942 of title 5, United States Code, and the regulations prescribed by the President under such section (as in effect immediately prior to the effective date of this section; and

(2) such regulations may be amended or revoked in accordance with such section 5942 as in effect immediately prior to the effective date of this section.

(c) The table of content of subchapter IV of chapter 59 of title 5, United States Code, is amended by striking out—

"5942. Allowance based on duty on California offshore islands or at Nevada Test Site."

and inserting in lieu thereof—

"5942. Allowance base on duty at remote worksite."

SEC. 10. (a) Subchapter IV of chapter 59 of title 5, United States Code, is amended by adding at end thereof the following new section:

"§ 5947. Quarters, subsistence, and allowances for employees of the Corps of Engineers, Department of the Army, engaged in floating plant operations

"(a) An employee of the Corps of Engineers, Department of the Army, engaged in floating plant operations may be furnished quarters or subsistence, or both, on vessels, without charge, when the furnishing of the quarters or subsistence, or both, is determined to be equitable to the employee concerned, and necessary in the public interest in connection with such operations.

(b) Notwithstanding section 5536 of this title, an employee entitled to the benefits of subsection (a) of this section while on a vessel may be paid, in place of these benefits, an allowance for quarters or subsistence, or both, when—

"(1) adverse weather conditions or similar circumstances beyond the control of the employee or the Corps of Engineers prevent transportation of the employee from shore to the vessel; or

"(2) quarters or subsistence, or both, are not available on the vessel which it is undergoing repairs.

"(c) The quarters of subsistence, or both, or allowance in place thereof, may be furnished or paid only under regulations prescribed by the Secretary of the Army."

(b) The table of sections of subchapter IV of chapter 59 of title 5, United States Code, is amended by adding—

"5947. Quarters subsistence, and allowances for employees of the Corps of Engineers, Department of the Army, engaged in floating plant operations."

immediately below—

"5946. Membership fees; expenses of attendance at meetings; limitations."

(c) The Act entitled "An Act to authorize the furnishing of subsistence and quarters without charge to employees of the Corps of Engineers engaged on floating plant operations", approved May 13, 1955 (69 Stat. 48; Public Law 35, Eighty-fourth Congress) is repealed.

SEC. 11. (a) Sections 1 through 6, inclusive, of this Act shall become effective on the first day of the first pay period which begins on or after December 27, 1969.

(b) This section and sections 7 to 10, inclusive, of this Act shall become effective on the date of enactment of this Act.

(c) For purposes of determining the amount of insurance for which an indi-

vidual is eligible under chapter 87 of title 5, United States Code, relating to group life insurance for Government employees, all changes in rates of pay, compensation, and salary which result from the enactment of this Act shall be held and considered to become effective as of the date of such enactment.

(d) Any deduction to be made as the result of the enactment of this Act from the pay, compensation, or salary of an officer or employee enrolled in a retirement system of the United States Government, and the contribution of the agency employing the officer or employee, shall be made at the rates of deductions and contributions in effect for that system on the date of such enactment.

COMMITTEE AMENDMENTS

The CHAIRMAN. The Clerk will report the first committee amendment.

The Clerk read as follows:

Committee amendment: On page 2, line 24, strike out the quotation marks.

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: On page 3, lines 7 and 8, strike out "the date on which adjustments become effective under this section," and insert in lieu thereof "December 27, 1969,".

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: On page 3, line 13, strike out the quotation marks.

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: On page 3, line 16, strike out the quotation marks.

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: On page 3, line 18, strike out the quotation marks.

Mr. GROSS. Mr. Chairman, I move to strike the necessary number of words.

The CHAIRMAN. The gentleman may rise in opposition to a committee amendment, but the other request is not in order.

Mr. GROSS. Mr. Chairman, I rise in opposition to the committee amendment.

The CHAIRMAN. The gentleman from Iowa is recognized in opposition to the amendment.

(Mr. GROSS asked and was given permission to revise and extend his remarks.)

Mr. GROSS. Mr. Chairman, I hope we are not to be treated again soon to this kind of operation. Let me repeat that we got this bill for the first time before the House Post Office and Civil Service Committee at 10 o'clock this morning. We started our discussions at 10:05—what discussions there were. A motion was promptly adopted to cut off all debate, discussion, amendment, or anything else, at 10:40. So we actually spent 35 minutes

on a bill which entails the spending of \$2.6 billion a year.

It is true that there were hearings on pay bills last year, but let me tell the House what you are asked to do here today, for better or for worse.

A little group of administration officials and union leaders fashioned a hoop down at the other end of Pennsylvania Avenue one week ago today, and you are now asked to jump through that hoop. You are answering the beck and call of the so-called negotiators at the other end of Pennsylvania Avenue, and you should know that not all the postal employees were permitted to enter into those negotiations. Not all of them were permitted to be represented in those so-called negotiations—negotiations which saw Members of the House, the chairman and other Members of the House Committee on Post Office and Civil Service, especially those who represented the House at the conference on H.R. 13000, completely ignored.

So today you will be voting—perhaps I will vote with you—to jump through the hoop that was fashioned by a few people at the other end of the avenue.

I repeat that I hope to God I do not and you do not have to go through this kind of performance again, because it is repulsive to knuckle down spinelessly to an ultimatum that is served upon Congress by the executive branch of Government and a few union leaders.

I tried in the committee this morning to limit the bill, to cut out the extraneous provisions; to limit the bill to a 6-percent pay increase for those workers in the four statutory categories, and I was defeated. There are millions of dollars in pay increases and fringe benefits in this bill we ought not to have come before us.

I was interested this afternoon to hear the gentleman from Pennsylvania (Mr. CORBETT) say that he is going to offer a motion to recommit the bill to strike out two or three sections of the bill. The gentleman voted for the bill including these provisions in committee this morning and he calls upon the Members of the House to support the bill. He says he himself supports it. But he is going to offer the motion to recommit.

I never cease to marvel at what goes on in this wonderland here in Washington, both in and out of Congress.

The gentleman from Arizona says he will not go along with the gentleman from Pennsylvania on his motion to recommit. The motion to recommit is being offered because Members of the Senate have served notice they will not accept the two or three provisions. They are again dictating to the House just as they were adamant in refusing to do anything with H.R. 13000, the salary increase bill which the House approved last October. The gentleman from Arizona well knows it, because he was a member of the conference. He was one of those who voted, as did I, for a motion on the part of the House conferees demanding that the Senate get down to business 2 weeks ago and bring out H.R. 13000.

The other body was adamant and refused to make any pretense of marking up that bill which might well have saved us from the sordid situation with which we are confronted.

That is why I cannot quite wade through the morass I am being confronted with by way of the verbal gymnastics here this afternoon.

At any rate, the gentleman from Arizona says he is going to be adamant in his position that the Senate cannot tell the House what to do this afternoon and I join him. Yes, when we get the motion to recommit it will be interesting to see just what transpires; whether the House will again bend the knee to the Senate.

Mr. Chairman, I had hoped to be able to support a bill increasing the pay of postal workers for they are at the bottom of the pay ladder, but this bill, applying to legislative employees and others who never should have been included, is much too costly. It provides for pay increases totaling more than \$2.6 billion a year and to this must be added an actuarial deficit in the retirement fund of some \$3.2 billion in the next 30 years. This is unacceptable. This will again fuel the flames of inflation.

Mr. CUNNINGHAM. Mr. Chairman, will the gentleman yield?

Mr. GROSS. Yes, very briefly.

Mr. CUNNINGHAM. I was just wondering which committee amendment the gentleman was speaking in opposition to.

Mr. GROSS. Which committee amendment?

Mr. CUNNINGHAM. Yes.

Mr. GROSS. Would the gentleman like now to ask for the regular order?

Mr. CUNNINGHAM. For the regular order?

Mr. GROSS. Why does the gentleman not do it?

Mr. CUNNINGHAM. I would make a parliamentary inquiry.

Mr. GROSS. I am all through. Why does the gentleman not do it?

The CHAIRMAN. The question is on the committee amendment.

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: On page 3, line 21, strike out the quotation marks.

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: On page 3, line 25, strike out "Parliamen—" and all that follows down through the period in line 3 on page 4 and insert in lieu thereof the following: "Parliamentarian, Chaplain, Clerk, Sergeant at Arms, Doorkeeper, Postmaster, and the four Floor Assistants to the Minority whose position titles formerly were Minority Clerk, Minority Sergeant at Arms, Minority Doorkeeper, and Minority Postmaster."

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: On page 4, line 4, strike out the quotation marks.

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: On page 4, line 19, strike out the quotation marks.

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: On page 5, line 1, strike out the quotation marks.

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: On page 5, line 2, strike out "an executive agency" and insert in lieu thereof "the Federal Government".

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: On page 12, line 2, strike out "Decembr" and insert in lieu thereof "December".

The committee amendment was agreed to.

The CHAIRMAN. Are there any further committee amendments?

If not, under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair. Mr. PRICE of Illinois, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 16844) to increase the pay of Federal employees, and for other purposes, pursuant to House Resolution 905, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. CORBETT

Mr. CORBETT. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. CORBETT. I am in its present form, Mr. Speaker.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. CORBETT moves to recommit the bill, H.R. 16844, to increase the pay of Federal employees, and for other purposes, to the Committee on Post Office and Civil Service, with instructions to report it back forthwith with the following amendment: Strike out sections 9 and 10, and renumber section 11 as section 9, and on line 3, on page 12, strike out "sections 7 to 10, inclusive," and insert in lieu thereof "sections 7 and 8".

Mr. UDALL. Mr. Speaker, I move the previous question on the motion to recommit.

The previous question was ordered.

The SPEAKER. The question is on the motion to recommit.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. GROSS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 261, nays 124, not voting 45, as follows:

[Roll No. 70]

YEAS—261

Abbltt	Edwards, Calif.	Miller, Ohio
Abernethy	Erlenborn	Mills
Adair	Esch	Minish
Adams	Eshleman	Minshall
Albert	Evans, Colo.	Mize
Anderson, Ill.	Fallon	Mizell
Andrews, Ala.	Fascell	Monagan
Andrews, N. Dak.	Felghan	Morton
Annunzio	Fish	Mosher
Arends	Fisher	Myers
Ayres	Ford, Gerald R.	Nelsen
Beall, Md.	Frelinghuysen	O'Konski
Belcher	Frey	O'Neill, Mass.
Bell, Calif.	Friedel	Ottinger
Berry	Gallagher	Passman
Betts	Garmatz	Patten
Blaggl	Gettys	Pepper
Blester	Gialmo	Pickle
Blatnik	Goldwater	Pike
Boggs	Gonzalez	Pirnie
Boland	Goodling	Poff
Bow	Grover	Preyer, N.C.
Brademas	Gubser	Price, Ill.
Bray	Gude	Price, Tex.
Brinkley	Haley	Pryor, Ark.
Brock	Hamilton	Pucinski
Brooks	Hammner	Quile
Brotzman	Schmidt	Quillen
Brown, Ohio	Hanley	Railsback
Broyhill, N.C.	Hansen, Wash.	Rees
Broyhill, Va.	Harrington	Reld, Ill.
Buchanan	Harsha	Reid, N.Y.
Burke, Mass.	Harvey	Relfel
Burleson, Tex.	Hastings	Rhodes
Burton, Calif.	Hays	Riegle
Bush	Hechler, W. Va.	Robison
Byrnes, Wis.	Heckler, Mass.	Rodino
Camp	Helstoski	Roe
Carey	Hogan	Rogers, Fla.
Carter	Holifield	Rooney, N.Y.
Casey	Carton	Rooney, Pa.
Cederberg	Hosmer	Roth
Celler	Hull	Ruppe
Chamberlain	Hunt	Ruth
Chisholm	Ichord	St Germain
Clancy	Jacobs	St. Onge
Clark	Jarman	Sandman
Clausen, Don H.	Jonas	Satterfield
Clawson, Del	Jones, Ala.	Saylor
Cleveland	Kazen	Schadeberg
Cohelan	Kling	Scherle
Collier	Kluczynski	Scheuer
Collins	Kuykendall	Schneebeli
Conable	Kyl	Schwengel
Conte	Kyros	Scott
Conyers	Landgrebe	Sebellus
Corbett	Lange	Shriver
Corman	Latta	Sikes
Coughlin	Leggett	Skubitz
Cowger	Lloyd	Smith, Calif.
Cramer	Long, La.	Smith, Iowa
Crane	Long, Md.	Smith, N.Y.
Daniel, Va.	Lukens	Springer
Daniels, N.J.	McCarthy	Stafford
Davis, Ga.	McClary	Stanton
Davis, Wis.	McCloskey	Steed
de la Garza	McClure	Steiger, Ariz.
Delaney	McCulloch	Steiger, Wis.
Dellenback	McDonald,	Stratton
Denney	Mich.	Stubblefield
Dennis	McEwen	Sullivan
Devine	McKneally	Talcott
Dickinson	Macdonald,	Taylor
Donohue	Mass.	Teague, Tex.
Dowdy	MacGregor	Thompson, N.J.
Downing	Maillard	Thomson, Wis.
Dulski	Mann	Tiernan
Duncan	Marsh	Tunney
Eckhardt	Martin	Ullman
Edmondson	Mathlas	Vander Jagt
	May	Vanik
	Michel	Vigorito

Waggonner
Waldie
Wampler
Watkins
Watts
Weicker
Whalley

Whitten
Widnall
Williams
Wilson, Bob
Winn
Wold
Wolf

Wyatt
Wydler
Wylie
Wyman
Young
Zlon

NAYS—124

Addabbo	Fuqua	Natcher
Anderson, Calif.	Galifianakis	Nedzi
Anderson, Tenn.	Gaydos	Nichols
Ashbrook	Gibbons	Nix
Aspinall	Gray	Obey
Baring	Green, Pa.	O'Hara
Barrett	Griffin	Olsen
Bennett	Griffiths	O'Neal, Ga.
Bevill	Gross	Pelly
Bingham	Hathaway	Perkins
Blanton	Hébert	Pettis
Bolling	Henderson	Poage
Brasco	Hicks	Podell
Broomfield	Howard	Powell
Burke, Fla.	Hungate	Randall
Burlison, Mo.	Hutchinson	Rarick
Burton, Utah	Johnson, Calif.	Reuss
Button	Jones, N.C.	Roberts
Byrne, Pa.	Karth	Rogers, Colo.
Caffery	Kastenmeier	Rosenthal
Chappell	Kee	Roybal
Chapman	Kelth	Ryan
Culver	Koch	Shipley
Cunningham	Lennon	Sisk
Derwinski	Lowenstein	Slack
Dingell	McFall	Snyder
Dorn	McMillan	Staggers
Dwyer	Madden	Stuckey
Edwards, Ala.	Mahon	Symington
Ellberg	Matsunaga	Thompson, Ga.
Evins, Tenn.	Mayne	Udall
Farbsteln	Meeds	Van Deerlin
Findley	Melcher	Watson
Flood	Meskill	Whalen
Flowers	Mikva	Whitehurst
Ford,	Mink	Willson,
William D.	Montgomery	Charles H.
Foreman	Moorhead	Wright
Fountain	Morgan	Yates
Fraser	Morse	Yatron
Fulton, Tenn.	Moss	Zablocki
	Murphy, Ill.	Zwack
	Murphy, N.Y.	

NOT VOTING—45

Alexander	Gilbert	Miller, Calif.
Ashley	Green, Oreg.	Mollohan
Blackburn	Hagan	Patman
Brown, Calif.	Hall	Philbin
Brown, Mich.	Halpern	Pollock
Cabell	Hanna	Purcell
Clay	Hansen, Idaho	Rivers
Daddario	Hawkins	Rostenkowski
Dawson	Johnson, Pa.	Roudebush
Dent	Jones, Tenn.	Stephens
Diggs	Kirwan	Stokes
Edwards, La.	Kleppe	Taft
Flynt	Landrum	Teague, Calif.
Foley	Lujan	White
Fulton, Pa.	McDade	Wiggins

So the motion to recommit was agreed to.

The Clerk announced the following pairs:

Mr. Gilbert with Mr. Halpern.

Mr. Patman with Mr. Johnson of Pennsylvania.

Mr. White with Mr. Hansen of Idaho.

Mr. Philbin with Mr. Hall.

Mr. Jones of Tennessee with Mr. Taft.

Mr. Ashley with Mr. Brown of Michigan.

Mr. Daddario with Mr. Wiggins.

Mr. Dent with Mr. Fulton of Pennsylvania.

Mr. Edwards of Louisiana with Mr. Lujan.

Mr. Foley with Mr. Diggs.

Mr. Flynt with Mr. Blackburn.

Mrs. Green of Oregon with Mr. Hawkins.

Mr. Rivers with Mr. Teague of California.

Mr. Purcell with Mr. Kleppe.

Mr. Rostenkowski with Mr. Pollock.

Mr. Stephens with Mr. Roudebush.

Mr. Stokes with Mr. Kirwan.

Mr. Miller of California with Mr. Landrum.

Mr. Hogan with Mr. Hanna.

Mr. Brown of California with Mr. Clay.

Mr. Alexander with Mr. Cabell.

Mr. Mollohan with Mr. McDade.

Messrs. NIX, ANDERSON of Tennessee, TIERNAN, FULTON of Tennessee, McMILLAN, FLOOD, MADDEN, FUQUA, YATES, HUNGATE, FLOWERS, POWELL, KOCH, NICHOLS, FARBSTAIN, PELLY, MIKVA, FINDLEY, NATCHER, PERKINS, SNYDER, and Mrs. GRIFFITHS changed their votes from "yea" to "nay."

Messrs. HAMILTON, ANNUNZIO, DONOHUE, and TIERNAN changed their votes from "nay" to "yea."

The result of the vote was announced as above recorded.

The doors were opened.

The SPEAKER. The Chair recognizes the gentleman from New York (Mr. DULSKI).

Mr. DULSKI. Mr. Speaker, pursuant to the instructions of the House in the motion to recommit, and on behalf of the Committee on Post Office and Civil Service, I report back the bill H.R. 16844 with an amendment.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Amendment: Strike out sections 9 and 10 and renumber section 11 as section 9; and in line 3 on page 12, strike out "sections 7 to 10, inclusive", and insert in lieu thereof "sections 7 and 8".

The SPEAKER. The question is on the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. GERALD R. FORD. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 371, nays 7, not voting 52, as follows:

[Roll No. 71]

YEAS—371

Abbott	Boland	Clancy
Abernethy	Bolling	Clark
Adair	Bow	Clausen,
Adams	Brademas	Don H.
Addabbo	Brasco	Clawson, Del
Albert	Bray	Cleveland
Anderson, Calif.	Brinkley	Cohelan
Anderson, Ill.	Brock	Collier
Anderson, Tenn.	Brooks	Collins
Andrews, Ala.	Broomfield	Colmer
Andrews, N. Dak.	Brotzman	Conable
Annunzio	Brown, Ohio	Conte
Arends	Broyhill, N.C.	Conyers
Ashbrook	Broyhill, Va.	Corbett
Aspinall	Buchanan	Corman
Ayres	Burke, Fla.	Coughlin
Baring	Burke, Mass.	Cowger
Barrett	Burlison, Mo.	Cramer
Beall, Md.	Burton, Calif.	Crane
Belcher	Burton, Utah	Culver
Bell, Calif.	Bush	Cunningham
Bennett	Button	Daniel, Va.
Berry	Byrne, Pa.	Daniels, N.J.
Betts	Byrnes, Wis.	Davis, Ga.
Bevill	Caffery	Davis, Wis.
Blaggl	Camp	de la Garza
Blester	Carey	Delaney
Bingham	Carter	Dellenback
Blanton	Casey	Denney
Blatnik	Cederberg	Dennis
Boggs	Celler	Derwinski
	Chamberlain	Devine
	Chappell	Dickinson
	Chisholm	Dingell

Donohue	Kuykendall	Rhodes
Dorn	Kyl	Riegle
Dowdy	Kyros	Roberts
Downing	Langen	Robison
Dulski	Latta	Rodino
Dwyer	Leggett	Roe
Eckhardt	Lennon	Rogers, Colo.
Edmondson	Lloyd	Rogers, Fla.
Edwards, Ala.	Long, La.	Rooney, N.Y.
Edwards, Calif.	Lowenstein	Rooney, Pa.
Ellberg	Lukens	Rosenthal
Erlenborn	McCarthy	Roth
Esch	McClary	Roybal
Eshleman	McCloskey	Ruppe
Evans, Colo.	McClure	Ruth
Evins, Tenn.	McDonald, Mich.	Ryan
Fallon	McEwen	St Germain
Farbstein	McFall	St. Onge
Fascell	McKneally	Sandman
Findley	McMillan	Satterfield
Fish	Macdonald, Mass.	Saylor
Fisher	MacGregor	Schadeberg
Flood	Madden	Scherle
Flowers	Mahon	Scheuer
Foley	Mailliard	Schneebeli
Ford, Gerald R.	Mann	Schwengel
Ford, William D.	Marshall	Scott
Foreman	Martin	Sebelius
Fountain	Mathias	Shipley
Fraser	Matsunaga	Shriver
Frelinghuysen	May	Sikes
Frey	Mayne	Sisk
Friedel	Meeds	Skubitz
Fulton, Tenn.	Melcher	Slack
Fuqua	Meskill	Smith, Calif.
Galifianakis	Michel	Smith, Iowa
Gallagher	Mikva	Smith, N.Y.
Garmatz	Miller, Ohio	Snyder
Gaydos	Mills	Springer
Gettys	Minish	Stafford
Giammo	Mink	Stanton
Gibbons	Minshall	Steed
Goldwater	Mize	Steiger, Ariz.
Gonzalez	Mizell	Steiger, Wis.
Goodling	Monagan	Stratton
Green, Pa.	Montgomery	Stubblefield
Griffin	Moorhead	Stuckey
Griffiths	Morgan	Sullivan
Grover	Morse	Symington
Gubser	Morton	Talcott
Gude	Mosher	Taylor
Haley	Moss	Teague, Tex.
Hamilton	Murphy, Ill.	Thompson, Ga.
Hammer-	Murphy, N.Y.	Thompson, N.J.
schmidt	Myers	Thomson, Wis.
Hanley	Natcher	Tierman
Hansen, Wash.	Nedzi	Tunney
Harrington	Nelsen	Udall
Harsha	Nichols	Ullman
Harvey	Nix	Van Deerlin
Hastings	Obey	Vander Jagt
Hathaway	O'Hara	Vanik
Hays	O'Konski	Vigorito
Hébert	Olsen	Waggonner
Hechler, W. Va.	O'Neal, Ga.	Waldie
Heckler, Mass.	O'Neill, Mass.	Wampler
Helstoski	Ottinger	Watkins
Henderson	Pasman	Watson
Hicks	Patten	Watts
Hogan	Pelly	Weicker
Holifield	Pepper	Whalen
Horton	Perkins	Whalley
Hosmer	Pettis	Whitehurst
Howard	Pickle	Whitten
Hull	Pike	Widnall
Hungate	Pirnie	Williams
Hunt	Podell	Wilson, Bob
Ichord	Poff	Wilson,
Jacobs	Powell	Charles H.
Jarman	Preyer, N.C.	Winn
Johnson, Calif.	Price, Ill.	Wold
Jonas	Pryor, Ark.	Wolff
Jones, Ala.	Quie	Wright
Jones, N.C.	Quillen	Wyatt
Karth	Railsback	Wydler
Kastenmeier	Randall	Wylie
Kazen	Rees	Wyman
Kee	Reid, Ill.	Yates
Keith	Reid, N.Y.	Yatron
King	Reifel	Zablocki
Kluczynski	Reuss	Zion
Koch		Zwach

NAYS—7

Burleson, Tex.	Landgrebe	Rarick
Gross	Poage	
Hutchinson	Price, Tex.	

NOT VOTING—52

Alexander	Cabell	Diggs
Ashley	Clay	Duncan
Blackburn	Daddario	Edwards, La.
Brown, Calif.	Dawson	Feighan
Brown, Mich.	Dent	Flynt

Fulton, Pa.	Kleppe	Rivers
Gilbert	Landrum	Rostenkowski
Gray	Long, Md.	Roudebush
Green, Oreg.	Lujan	Staggers
Hagan	McCulloch	Stephens
Hall	McDade	Stokes
Halpern	Miller, Calif.	Taft
Hanna	Mollohan	Teague, Calif.
Hansen, Idaho	Patman	White
Hawkins	Philbin	Wiggins
Johnson, Pa.	Pollock	Young
Jones, Tenn.	Pucinski	
Kirwan	Purcell	

So the bill was passed.

The Clerk announced the following pairs:

Mr. Gilbert with Mr. Hawkins.
Mr. Patman with Mr. Johnson of Pennsylvania.
Mr. Feighan with Mr. McCulloch.
Mr. Dent with Mr. Fulton of Pennsylvania.
Mr. Daddario with Mr. Taft.
Mr. Miller of California with Mr. Teague of California.
Mr. Jones of Tennessee with Mr. Duncan.
Mr. White with Mr. Hagan.
Mr. Philbin with Mr. Hall.
Mr. Rivers with Mr. Pollock.
Mr. Rostenkowski with Mr. McDade.
Mrs. Green of Oregon with Mr. Wiggins.
Mr. Purcell with Mr. Blackburn.
Mr. Young with Mr. Kleppe.
Mr. Ashley with Mr. Dawson.
Mr. Alexander with Mr. Lujan.
Mr. Cabell with Mr. Roudebush.
Mr. Edwards of Louisiana with Mr. Mollohan.
Mr. Brown of California with Mr. Clay.
Mr. Landrum with Mr. Long of Maryland.
Mr. Pucinski with Mr. Brown of Michigan.
Mr. Flynt with Mr. Staggers.
Mr. Kirwan with Mr. Diggs.
Mr. Hanna with Mr. Stokes.
Mr. Stephens with Mr. Halpern.

Mr. LANDGREBE changed his vote "yea" to "nay."

The result of the vote was announced as above recorded.

Mr. UDALL. Mr. Speaker, pursuant to the provisions of the House Resolution 905, I call up for immediate consideration the similar Senate bill (S. 3690) to increase the pay of Federal employees.

The Clerk read the title of the Senate bill.

The Clerk read the Senate bill as follows:

S. 3690

An act to increase the pay of Federal employees

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Federal Employees Salary Act of 1970".

SEC. 2. (a) (1) The President shall increase the rates of basic pay, basic compensation, and salaries (as such rates were increased by Executive Order Numbered 11474, dated June 16, 1969) contained in the schedules listed in paragraph (2) of this subsection by amounts equal, as nearly as may be practicable and with regard to maintaining approximately equal increments within any grade, level, or class of any such schedule, to 6 percent.

(2) The schedules referred to in paragraph (1) of this subsection are as follows: the General Schedule contained in section 5332 (a) of title 5, United States Code; the Postal Field Service Schedule and the Rural Carrier Schedule contained in sections 3542(a) and 3543(a), respectively, of title 39, United States Code; the schedules relating to certain positions within the Department of Medicine and Surgery of the Veterans' Administration and contained in section 4107 of title 38, United States Code; and the Foreign Serv-

ice schedules contained in sections 412 and 415 of the Foreign Service Act of 1946.

(b) Rates of basic pay, basic compensation, and salaries of officers and employees paid under the schedules referred to in subsection (a) of this section shall be increased initially under conversion rules prescribed by the President or by such agency as the President may designate.

(c) The increases made by the President under this section shall have the force and effect of law and shall be printed in (1) the Statutes at Large in the same volume as public laws, (2) the Federal Register, and (3) the Code of Federal Regulations.

(d) (1) Notwithstanding section 3679 of the Revised Statutes, as amended (31 U.S.C. 665), the rates of pay of officers and employees of the United States Government and of the municipal government of the District of Columbia whose rates of pay are fixed by administrative action pursuant to law and are not otherwise increased by this section are hereby authorized to be increased by the agencies employing such officers and employees by amounts not to exceed the increases provided by this section for corresponding rates of pay in the appropriate schedule or scale of pay.

(2) Nothing contained in this section shall be held or considered to authorize any increase in the rates of pay of officers and employees whose rates of pay are fixed and adjusted from time to time as nearly as is consistent with the public interest in accordance with prevailing rates or practices.

SEC. 3. The rates of pay of personnel in effect on the date of enactment of this Act, which rates of pay were adjusted under the third sentence of section 212 of the Federal Salary Act of 1967, and any minimum or maximum rate, limitation, or allowance applicable to any such personnel, shall be increased by amounts which are equal, insofar as practicable and under such rules as may be necessary to provide for the payment of retroactive pay and with such exceptions and modifications as may be necessary to provide for appropriate relationships between positions, to 6 percent by the following authorities:

(1) the President pro tempore of the Senate, with respect to the Senate;

(2) the Speaker of the House of Representatives, with respect to the House of Representatives;

(3) the Architect of the Capitol, with respect to the Office of the Architect of the Capitol;

(4) the Director of the Administrative Office of the United States Courts, with respect to the judicial branch of the Government; and

(5) the Secretary of Agriculture, with respect to persons employed by the county committees established pursuant to section 8(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(b)).

Such increases shall be made in such manner as the appropriate authority concerned deems advisable and shall have the force and effect of law.

SEC. 4. (a) An increase in pay, compensation, or salary which becomes effective under section 2(a) of this Act is not an equivalent increase in pay within the meaning of section 5335 of title 5, United States Code, or section 3552 of title 39, United States Code.

(b) Nothing in this Act shall impair any authority pursuant to which rates of pay, compensation, or salary may be fixed by administrative action.

(c) Notwithstanding any other provision of this Act—

(1) any officer or employee of the United States Government receiving pay, compensation, or salary which is less than the basic pay for level V of the Executive Schedule in section 5316 of title 5, United States Code, in effect on the date of enactment of this

Act, shall not have his pay, compensation, or salary increased, by reason of the enactment of this Act, to a rate in excess of the basic pay for such level V; and

(2) any officer or employee of the United States Government receiving pay, compensation, or salary equal to or in excess of the basic pay for such level V shall not have his pay, compensation, or salary increased.

Sec. 5. (a) Retroactive pay, compensation, or salary shall be paid by reason of this Act only in the case of an individual in the service of the United States (including service in the Armed Forces of the United States) or the municipal government of the District of Columbia on the date of enactment of this Act, except that such retroactive pay, compensation, or salary shall be paid—

(1) to an officer or employee who retired, during the period beginning on the first day of the first pay period which began on or after December 27, 1969, and ending on the date of enactment of this Act, for services rendered during such period; and

(2) in accordance with subchapter VIII of chapter 55 of title 5, United States Code, relating to settlement of accounts, for services rendered, during the period beginning on the first day of the first pay period which began on or after December 27, 1969, and ending on the date of enactment of this Act, by an officer or employee who died during such period.

Such retroactive pay, compensation, or salary shall not be considered as basic pay for the purposes of subchapter III of chapter 83 of title 5, United States Code, relating to civil service retirement, or any other retirement law or retirement system, in the case of any such retired or deceased officer or employee.

(b) For the purposes of this section, service in the Armed Forces of the United States, in the case of an individual relieved from training and service in the Armed Forces of the United States or discharged from hospitalization following such training and service, shall include the period provided by law for the mandatory restoration of such individual to a position in or under the United States Government or the municipal government of the District of Columbia.

Sec. 6. (a) Section 11-702(d) of the District of Columbia Code is amended by striking out "\$29,000" and "\$28,500" and inserting in lieu thereof "\$38,500" and "\$38,000", respectively.

(b) Section 11-902(d) of the District of Columbia Code is amended by striking out "\$28,000" and "\$27,500" and inserting in lieu thereof "\$37,500" and "\$37,000", respectively.

(c) The first sentence of the second paragraph of section 2 of the District of Columbia Revenue Act of 1937, as amended (D.C. Code, sec. 47-2402), is amended by striking out "\$27,500" and inserting in lieu thereof "\$37,000".

Sec. 7. The third sentence of subsection (b) of the first section of the Act of August 25, 1958, as amended (3 U.S.C. 102 note), is amended by striking out "\$80,000" and inserting in lieu thereof "\$96,000".

Sec. 8. (a) The provisions of this Act (other than section 7) shall be effective as of December 27, 1969. The rate of pay, compensation, or salary of an officer or employee which is increased under this Act (other than under such section) shall be increased as of the first day of the first pay period for that officer or employee which commences on or after December 27, 1969.

(b) For purposes of determining the amount of insurance for which an individual is eligible under chapter 87 of title 5, United States Code, relating to group life insurance for Government employees, all changes in rates of pay, compensation, and salary which result from the enactment of this Act shall be held and considered to become effective as of the date of such enactment.

(c) Any deduction to be made as the result of the enactment of this Act from the

pay, compensation, or salary of an officer or employee enrolled in a retirement system of the United States Government, and the contribution of the agency employing the officer or employee, shall be made at the rates of deductions and contributions in effect for that system on the date of such enactment.

MOTION OFFERED BY MR. UDALL

Mr. UDALL. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. UDALL moves to strike out all after the enacting clause of S. 3690 and insert in lieu thereof the provisions of H.R. 16844, as passed, as follows:

That this Act may be cited as the "Federal Employees Salary Act of 1970".

Sec. 2. (a) (1) The President shall increase the rates of basic pay, basic compensation, and salaries (as such rates were increased by Executive Order Numbered 11474, dated June 16, 1969) contained in the schedules listed in paragraph (2) of this subsection by amounts equal, as nearly as may be practicable and with regard to maintaining approximately equal increments within any grade, level, or class of any such schedule, to 6 percent.

(2) The schedules referred to in paragraph (1) of this subsection are as follows: the General Schedule contained in section 5332(a) of title 5, United States Code; the Postal Field Service Schedule and the Rural Carrier Schedule contained in sections 3542 (a) and 3543(a), respectively, of title 39, United States Code; the schedules relating to certain positions within the Department of Medicine and Surgery of the Veterans' Administration and contained in section 4107 of title 38, United States Code; and the Foreign Service schedules contained in sections 412 and 415 of the Foreign Service Act of 1946.

(b) Rates of basic pay, basic compensation, and salaries of officers and employees paid under the schedules referred to in subsection (a) of this section shall be increased initially under conversion rules prescribed by the President or by such agency as the President may designate.

(c) The increases made by the President under this section shall have the force and effect of law and shall be printed (1) in the Statutes at Large in the same volume as public laws, (2) the Federal Register, and (3) the Code of Federal Regulations.

Sec. 3. (a) The rates of pay of personnel subject to sections 210 and 214 of the Federal Salary Act of 1967 (81 Stat. 633, 635; Public Law 90-206), relating to Agricultural Stabilization and Conservation County Committee employees and to certain employees of the legislative branch of the Government, respectively, and any minimum or maximum rate, limitation, or allowance applicable to any such personnel, shall be adjusted, effective on the first day of the first pay period which begins on or after December 27, 1969, by amounts which are identical, insofar as practicable, to the amounts of the adjustments under this section for corresponding rates of pay for employees subject to the General Schedule, by the following authorities—

(1) the Secretary of Agriculture, with respect to individuals employed by the county committees established under section 590h (b) of title 16;

(2) the Comptroller of the Senate, with respect to the United States Senate;

(3) the Finance Clerk of the House of Representatives, with respect to the United States House of Representatives; and

(4) the Architect of the Capitol, with respect to the Office of the Architect of the Capitol.

The provisions of this section shall not be construed to allow adjustments in the rates of pay of the following officers of the United States House of Representatives: Parlia-

mentarian, Chaplain, Clerk, Sergeant at Arms, Doorkeeper, Postmaster, and the four Floor Assistants to the Minority whose position titles formerly were Minority Clerk, Minority Sergeant at Arms, Minority Doorkeeper, and Minority Postmaster.

(b) Notwithstanding section 665 of title 31, the rates of pay of employees in and under the judicial branch of the Government, whose rates of pay are fixed by administrative action pursuant to law and are not otherwise adjusted under this section may be adjusted, effective on the first day of the first pay period which begins on or after December 27, 1969, by amounts not to exceed the amounts of the adjustments under section 2(a) of this Act for corresponding rates of pay. The limitations fixed by law with respect to the aggregate salaries payable to secretaries and law clerks of circuit and district judges shall be adjusted, effective on the first day of the first pay period which begins on or after the date on which adjustments become effective under this section, by amounts not to exceed the amounts of the adjustments under this section for corresponding rates of pay.

(c) The rates of pay of United States attorneys and assistant United States attorneys whose annual salaries are fixed pursuant to section 548 of title 28, United States Code, shall be increased, effective on the first day of the first pay period which begins on or after December 27, 1969, by amounts equal, as nearly as may be practicable, to the increases provided pursuant to section 2 of this Act for corresponding rates of pay.

(d) Notwithstanding section 665 of title 31, the rates of pay of employees of the Federal Government, an executive agency and of the government of the District of Columbia whose rates of pay are fixed by administrative action pursuant to law and are not otherwise increased pursuant to this section are hereby authorized to be increased, effective on the first day of the first pay period which begins on or after December 27, 1969, by amounts not to exceed the increases provided pursuant to section 2 of this Act for corresponding rates of pay in the appropriate schedule or scale of pay.

Sec. 4. (a) An increase in pay, compensation, or salary which becomes effective under section 2 of this Act is not an equivalent increase in pay within the meaning of section 5335 of title 5, United States Code, or section 3552 of title 39, United States Code.

(b) Nothing in this Act shall impair any authority pursuant to law to increase rates of pay, compensation, or salary may be fixed by administrative action.

(c) Notwithstanding any other provision of this Act—

(1) any officer or employee of the United States Government receiving pay, compensation, or salary which is less than the basic pay for level V of the Executive Schedule in section 5316 of title 5, United States Code, in effect on the date of enactment of this Act, shall not have his pay, compensation, or salary increased, by reason of the enactment of this Act, to a rate in excess of the basic pay for such level V; and

(2) any officer or employee of the United States Government receiving pay, compensation, or salary equal to or in excess of the basic pay for such level V shall not have his pay, compensation, or salary increased.

Sec. 5 (a) Retroactive pay, compensation, or salary shall be paid by reason of this Act only in the case of an individual in the service of the United States (including service in the Armed Forces of the United States) or the municipal government of the District of Columbia on the date of enactment of this Act, except that such retroactive pay, compensation, or salary shall be paid—

(1) to an officer or employee who retired, during the period beginning on the first day of the first pay period which began on or after December 27, 1969, and ending on

the date of enactment of this Act, for services rendered during such period; and

(2) in accordance with subchapter VIII of chapter 55 of title 5, United States Code, relating to settlement of accounts, for services rendered, during the period beginning on the first day of the first pay period which began on or after December 27, 1969, and ending on the date of enactment of this Act, by an officer or employee who died during such period.

Such retroactive pay, compensation, or salary shall not be considered as basic pay for the purposes of subchapter III of chapter 83 of title 5, United States Code, relating to civil service retirement, or any other retirement law or retirement system, in the case of any such retired or deceased officer or employee.

(b) For the purposes of this section, service in the Armed Forces of the United States, in the case of an individual relieved from training and service in the Armed Forces of the United States or discharged from hospitalization following such training and service, shall include the period provided by law for the mandatory restoration of such individual to a position in or under the United States Government or the municipal government of the District of Columbia.

SEC. 6. (a) Section 11-702(d) of the District of Columbia Code is amended by striking out "\$29,000" and "\$28,500" and inserting in lieu thereof "\$36,500" and "\$36,000", respectively.

(b) Section 11-902(d) of the District of Columbia Code is amended by striking out "\$28,000" and "\$27,500", and inserting in lieu thereof "\$34,500" and "\$34,000", respectively.

(c) The first sentence of the second paragraph of section 2 of the District of Columbia Revenue Act of 1937, as amended (D.C. Code, sec. 47-2402), is amended by striking out "\$27,500" and inserting in lieu thereof "\$34,000".

SEC. 7. The third sentence of subsection (b) of the first section of the Act of August 25, 1958, as amended (3 U.S.C. 102 note), is amended by striking out "\$80,000" and inserting in lieu thereof "\$96,000".

SEC. 8. Section 5545(c) (2) of title 5, United States Code, is amended to read as follows:

"(2) an employee in a position in which the hours of duty cannot be controlled administratively, and which requires substantial amounts of irregular, unscheduled, overtime duty with the employee generally being responsible for recognizing, without supervision, circumstances which require him to remain on duty, shall receive premium pay for this duty on an annual basis instead of premium pay provided by other provisions of this subchapter, except for regularly scheduled overtime, night, and Sunday duty, and for holiday duty. Premium pay under this paragraph is determined as an appropriate percentage, not less than 10 per centum nor more than 25 per centum, of such part of the rate of basic pay for the position as does not exceed the minimum rate of basic pay for GS-10, by taking into consideration the frequency and duration of irregular unscheduled overtime duty required in the position."

SEC. 9. (a) Sections 1 to 6, inclusive, of this Act shall become effective on the first day of the first pay period which begins on or after December 27, 1969.

(b) This section and sections 7 and 8 of this Act shall become effective on the date of enactment of this Act.

(c) For purposes of determining the amount of insurance for which an individual is eligible under chapter 87 of title 5, United States Code, relating to group life insurance for Government employees, all changes in rates of pay, compensation, and salary which result from the enactment of this Act shall be held and considered to become effective as of the date of such enactment.

(d) Any deduction to be made as the result of the enactment of this Act from the pay, compensation, or salary of an officer or

employee enrolled in a retirement system of the United States Government, and the contribution of the agency employing the officer or employee, shall be made at the rates of deductions and contributions in effect for that system on the date of such enactment.

The motion was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 16844) was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. DULSKI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed by the House, H.R. 16844.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

PERSONAL EXPLANATION

Mr. McCULLOCH. Mr. Speaker, I was unavoidably absent on the last rollcall vote, No. 71. Had I been present I would have voted "yea."

I ask unanimous consent that my statement appear immediately following the vote on H.R. 16844.

The SPEAKER. Is there objection to the request of the gentleman from Ohio? There was no objection.

PERSONAL EXPLANATION

Mr. PUCINSKI. Mr. Speaker, I was unavoidably detained in my office on rollcall No. 71. Had I been present I would have voted "yea."

I ask unanimous consent that my statement appear immediately following the vote on H.R. 16844.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

PERSONAL EXPLANATION

Mr. GRAY. Mr. Speaker, I was unavoidably detained in my office on official business at the time of rollcall No. 71. Had I been present I would have voted "yea."

PERSONAL EXPLANATION

Mr. FOLEY. Mr. Speaker, I was unavoidably absent on rollcall No. 70. Had I been present, I would have voted "nay."

A TRIBUTE TO FATHER BARBATO

(Mr. ROONEY of Pennsylvania asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. ROONEY of Pennsylvania. Mr. Speaker, this past Sunday evening, some 1,000 parishioners of St. Anthony's Roman Catholic Church in Easton joined in paying tribute to their pastor, the Rev-

erend Francis J. Barbato, on the occasion of his 40th anniversary of ordination as a priest and his simultaneous retirement as parish administrator.

I was pleased and privileged to join with local and State government officials in the tribute to Father Barbato.

Although a clergyman's decision to retire may be generally considered a decision to put aside his career and to turn to a life of leisure, this is not Father Barbato's view of retirement. True, he plans to give up the duties of parish administrator but only to give him more time to devote to the priestly duties of work among his people.

Father Barbato assured the gathering:

My work among you will begin this week. I will have more time to spend with you. I intend to spend the rest of my life being a priest among my people.

The Reverend John V. Bartos, a former curate at St. Anthony's who is now an assistant principal at Cardinal Dougherty High School, Philadelphia, very accurately described Father Barbato when he referred to him simply as a "gentleman."

Father Bartos explained:

I could pay no higher tribute to any man. A gentleman is one who never hurts—a gentle man.

The Sunday evening tribute to Father Barbato climaxed Rev. Francis J. Barbato Day, in Easton, by proclamation of Easton's Mayor Fred L. Ashton.

Among those attending the testimonial dinner were three of the young men he helped develop into outstanding public officials, Judge Richard D. Grifo, Judge Michael V. Franciosa, and District Attorney Charles H. Spaziani.

Mr. Speaker, I am honored to make note of this good man's service to his church for 40 years, and his plans to utilize his retirement for further service to his fellow man.

I would like to share with my colleagues an account of the tribute to Father Barbato as reported in the Easton, Pa., Express newspaper. The tribute follows:

[From the Easton (Pa.) Express, Apr. 6, 1970]

BARBATO KEEPS DUTIES AS PRIEST, GIVES UP ADMINISTRATIVE WORK

(By Robert W. Jodon)

The Rev. Francis J. Barbato, pastor-administrator of St. Anthony's parish, Easton, took the occasion of a celebration in honor of the 40th anniversary of his ordination, to announce that his resignation as parish administrator has been accepted.

Father Barbato said he sent a letter to the Most Rev. Joseph McShea, bishop of Allentown, three weeks ago asking to be relieved of administrative duties. He will remain as spiritual leader of the parish.

Father Barbato said the bishop telephoned his congratulations yesterday and informed him that as of midnight yesterday he was relieved of his duties as administrator.

Father Barbato was honored last night by more than 1,000 parishioners and friends at a testimonial dinner at the George Washington Motor Lodge, Allentown.

Father Barbato said, "My work among you will begin this week. I will have more time to spend with you."

"I intend to spend the rest of my life being a priest among my people. Until now, 95 per cent of my time has been devoted to administration."

KEEP TOGETHER

"I can't stay idle. I have something in mind to keep us all together."

He said that beginning today he will be acting administrator of the parish until a successor is named. After that, he said he will be in the area to offer his assistance to his people.

In announcing his resignation, Father Barbato read the letter sent to the Bishop.

When he stated that his resignation was due to "advancing age" and "declining health," his parishioners laughed.

Father Barbato has been at St. Anthony's since 1934. He was ordained April 5, 1930.

GUEST SPEAKER

Guest speaker was the Rev. John V. Bartos, a former curate at St. Anthony's who is now an assistant principal at Cardinal Dougherty High School, Philadelphia.

Father Bartos described "his former boss" as a "gentleman."

He said, "I could pay no higher tribute to any man. A gentleman is one who never hurts—a gentle man."

He also said, "Service has been the hallmark of his (Father Barbato's) life."

Easton Mayor Fred L. Ashton Jr. read a proclamation declaring yesterday, "Rev. Francis J. Barbato Day" in the city. He also gave the priest a key to the city.

SENATE RESOLUTION

State Sen. Jeanette F. Reibman of Easton read a resolution passed unanimously by the State Senate in honor of Father Barbato's anniversary.

U.S. Rep. Fred B. Rooney of Bethlehem lauded the priest for his service and presented a crystal ashtray bearing the seal of the House of Representatives.

Other tributes were paid by Northampton County Judges Richard D. Grifo and Michael V. Franciosa; the Rev. John J. Busco, pastor of St. Donato's Church, Philadelphia, the first member of the church to join the priesthood, and the Rev. Amedeo Morello, pastor of St. Aloysius Church, Jackson, N.J., who read his address in Italian.

THE \$5,000 CHECK

Gifts from the parish were presented by Anthony F. Noto, general chairman of the event. They included a portrait and a check for \$5,000.

The present curates at St. Anthony's, the Revs. James J. Agosta and Paul Della Picca, read a blessing from Pope Paul VI.

Among the honored guests were the Rev. and Mrs. John F. Steinbruck, former pastor of St. John's Lutheran Church, Easton, now a pastor in Washington, D.C., and Mr. and Mrs. Herbert A. Snyder, representing Bnai Abraham Synagogue, Easton.

Toastmaster was Northampton County Dist. Atty. Charles H. Spaziani.

WHERE ARE THOSE "LAW AND ORDER" ADVOCATES NOW?

(Mr. MIKVA asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. MIKVA. Mr. Speaker, as we read that a Federal district court in Florida has enjoined the Governor of that State from interfering with constitutionally required school desegregation in Manatee County, Fla., and the Governor notwithstanding has defied the court and its orders, perhaps we may be forgiven some sense of irony in asking: "Where are those 'law and order' advocates now?"

Often during the 1968 presidential campaign we heard impassioned speeches about how the new administration would

guarantee vigorous law enforcement. Where is the President now when a Governor of his own political party openly and shamelessly flouts the orders of a Federal court interpreting the Constitution of the United States. I assume, like most public officials in this Nation, the Governor of Florida takes an oath to "preserve, protect, and defend the Constitution of the United States." Some protection; some defense.

In the case of the President of the United States, there is no question of what oath he takes or what his clear responsibilities are. It is the President's clear responsibility to "faithfully execute" his office, which by the lights of even the strictest constructionist must include carrying out the mandate of the Constitution for equal protection of the laws. The President's oath includes that same pledge to "preserve, protect, and defend the Constitution." Where is the President now when a Governor of his own political party attempts to interfere with and hinder the execution of the laws? The President is hiding behind his press secretary who yesterday told the press that he was "not in a position to express to you" President Nixon's position on the controversy.

And where, we might ask, was that flinty-eyed prosecutor, that hard-line Attorney General who sees his departments as "a law enforcement organization, not an agency for social improvement"? He was not in Florida enforcing equal protection of the laws. He was lecturing municipal officials on how to adjust their local parade ordinances to meet the threat of "large demonstrations," and praising the District of Columbia omnibus crime bill—one provision of which was declared unconstitutional before the bill could even be signed into law.

Even on the floor of this House, there have been many who have spoken long and loudly about the need for vigorous law enforcement. Some have deplored actions of civil disobedience even to laws which were ultimately declared unconstitutional—such as Dr. Martin Luther King, Jr.'s march in Birmingham. And, indeed, the Supreme Court held in *Walker v. City of Birmingham*, 388 U.S. 307 (1967), that such disobedience, even to an unconstitutional law, must be punished. But here there is no doubt. Here the Supreme Court has spoken. Here the mandate of the Constitution is clear. The schools of Manatee County, Fla., must be desegregated in order to satisfy the Constitution's equal protection guarantee.

With this clear constitutional mandate before us, after the Highest Court in the land has spoken, where are those "law and order" advocates to urge compliance with the law's requirement. Where is the President? Where is the Attorney General? Where are the Members of this House who have spoken out so often in the name of law and order?

THE NEED FOR CHANGE IN ECONOMIC POLICY

(Mr. BARRETT asked and was given permission to address the House for 1

minute and to revise and extend his remarks and include extraneous matter.)

Mr. BARRETT. Mr. Speaker, the present state of the Nation's economy creates a great many problems which are troubling the American people. Problems which are troubling the people of the First Congressional District of Pennsylvania, which I have the honor to represent. Problems which cry out in need for immediate action.

In the best interests of the people I represent—in the best interests of all the people of this great Nation—there is a most urgent need to establish a list of national priorities.

While I do not believe that they can or should be listed in a particular order of importance—certain specific problems stand out calling for immediate, concerted action.

These problems are readily identified. They are, in my considered opinion: decent housing, particularly for families of low and moderate income; training and job opportunities; quality education for our youth; transportation for our hard-working people to get to their jobs; the safety of our people on the streets and in their homes; and pollution of our national resources and environment.

Mr. Speaker, the Congress is and has been aware of these problem areas. In the majority of these areas we have already acted, providing specific legislation for the executive branch of our Government to deal with the problems. In the others, the legislative process is moving forward to give the administration the necessary tools to act.

Unfortunately, however, the tight money and high interest rate policies of the present administration are the major obstacles to solving these problems. These policies must be changed and they can only be changed by this administration.

It is these policies which have given us runaway inflation for the past 15 months, and present the growing threat of an economic recession.

The cost of living, reflecting the cost of food and services to the average household, saw the greatest rate of increase in 1969 in over a decade. The 1969 Consumer Price Index reflected the biggest 12-month rise in 15 years. Eggs, fruits, and vegetables, meat, poultry and fish—the "market basket" foods that make up the meals of Americans, averaged a 4.8-percent increase in 1969, and rose even faster in the first 2 months of 1970. Medical care was 7 percent higher and insurance and financial—credit—costs rose 11.5 percent reflecting the huge increase in profits for money lenders at the expense of the family who has to buy homes, cars, and other needs on credit. This all means that the wage earner, the retired person, the widow, the housewife, the millions who spend the bulk of their income on life's necessities, bear the higher costs. These facts bear witness to the tragic results of the economic policies being pursued by the present administration.

The present administration must change its economic policies. We must see to the proper distribution of funds to meet our national priorities. There is

zation were defeated we would deter negotiations.

In short, I do not believe that history favors these arguments or encourages optimism as to a meaningful agreement with the Soviets.

Recognizing these points, however, I still share the hope of my colleagues that meaningful progress can be made in the arms talks. The thrust of Senate Resolution 211 contains, in my judgment, sufficient caveats to insure protection of our national interests. Obviously, the concept of simultaneous cessations of the operational testing of MIRV is meaningless without realistic protection. National verification or other methods of observation and inspection as may be appropriate called for in the resolution offers a vehicle to explore the true intention of the Soviets and their willingness to achieve the goals sought. With this point fully in mind I offer my support to the resolution and sincerely hope that my pessimism will be proved unfounded.

Mr. MANSFIELD. Mr. President, I understand that there will be no more speakers, so when I get through I will put in a quorum call, to start voting at 4 p.m.

I want to emphasize that the one thing unilateral about this resolution is that the Senate of the United States, and hopefully the U.S. delegation to the Vienna conference, will be taking the initiative to propose a mutual freeze. Every action contemplated will be taken by both countries—no country will take a risk the other country refuses to take.

We are not advocating disarming unilaterally. Nobody in this body would stand for that. What we are trying to do is to break the deadlock which exists, to try to give encouragement to the President and his delegates at Vienna; and to try to do something constructive in helping to bring about an end to the mad momentum which seems to have gripped the two major powers in the world—the Soviet Union and ourselves—to the end that perhaps there will be salvation at the end of the road, rather than destruction.

We have now begun to walk the correct pathway to that end. The adoption of this resolution will represent a major step along that road.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded and that, with no further speakers, the vote begin.

The PRESIDING OFFICER. Without objection, it is so ordered.

The first question is on agreeing to the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to, as follows:

Resolved, That it is the sense of the Senate that prompt negotiations between the Governments of the United States of America and of the Union of Soviet Socialist Republics to seek agreed limitations of both offen-

sive and defensive strategic weapons should be urgently pursued; and

Resolved further, That the President should propose to the Government of the Union of Soviet Socialist Republics an immediate suspension by the United States and by the Union of Soviet Socialist Republics of the further deployment of all offensive and defensive nuclear strategic weapons systems, subject to national verification or such other measures of observation and inspection as may be appropriate.

The PRESIDING OFFICER. The question now is on agreeing to the resolution, as amended.

Mr. MANSFIELD. I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. STENNIS. (after having voted in the negative). On this vote I have voted "nay." I understand that the Senator from Connecticut (Mr. RIBICOFF), if present, would vote "yea." I have given him a live pair, he being absent. I, therefore, withdraw my vote.

Mr. ERVIN (after having voted in the negative). I voted "nay." I voted "nay" because I think this is a matter for the executive branch rather than for the legislative branch. The distinguished Senator from Washington (Mr. MAGNUSON) is necessarily absent. I am advised that if he were present he would vote "yea." I have agreed to give him a live pair and, therefore, withdraw my negative vote.

Mr. KENNEDY. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from Nevada (Mr. BIBLE), the Senator from Connecticut (Mr. DODD), the Senator from Missouri (Mr. EAGLETON), the Senator from Mississippi (Mr. EASTLAND), the Senator from Indiana (Mr. HARTKE), the Senator from Nevada (Mr. CANNON), the Senator from Washington (Mr. MAGNUSON), the Senator from Connecticut (Mr. RIBICOFF), the Senator from Georgia (Mr. RUSSELL), and the Senator from Texas (Mr. YARBOROUGH) are necessarily absent.

I further announce that the Senator from Hawaii (Mr. INOUE) and the Senator from Rhode Island (Mr. PELL) are absent on official business.

I further announce that, if present and voting, the Senator from Connecticut (Mr. DODD) and the Senator from Texas (Mr. YARBOROUGH) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Utah (Mr. BENNETT) is absent on official business as observer at the meeting of the Asian Development Bank in Korea.

The Senator from Kentucky (Mr. COOK), the Senator from Colorado (Mr. DOMINICK), the Senator from Wyoming (Mr. HANSEN), the Senator from California (Mr. MURPHY), and the Senator from Texas (Mr. TOWER) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

If present and voting, the Senator from Utah (Mr. BENNETT), the Senator from Colorado (Mr. DOMINICK), the Senator from Wyoming (Mr. HANSEN), the

Senator from South Dakota (Mr. MUNDT), and the Senator from Texas (Mr. TOWER) would each vote "yea."

The result was announced—yeas 72, nays 6, as follows:

[No. 128 Leg.]

YEAS—72

Alken	Harris	Muskie
Allott	Hart	Nelson
Baker	Hatfield	Packwood
Bayh	Holland	Pastore
Boggs	Hollings	Pearson
Brooke	Hruska	Percy
Burdick	Hughes	Prouty
Byrd, Va.	Jackson	Proxmire
Byrd, W. Va.	Javits	Randolph
Case	Jordan, N.C.	Saxbe
Church	Jordan, Idaho	Schweiker
Cooper	Kennedy	Scott
Cotton	Mansfield	Smith, Maine
Cranston	Mathias	Smith, Ill.
Curtis	McCarthy	Sparkman
Dole	McClellan	Spong
Ellender	McGee	Stevens
Fong	McGovern	Symington
Fulbright	McIntyre	Talmadge
Goodell	Metcalf	Tydings
Gore	Miller	Williams, N.J.
Gravel	Mondale	Williams, Del.
Griffin	Montoya	Young, N. Dak.
Gurney	Moss	Young, Ohio

NAYS—6

Allen	Fannin	Long
Bellmon	Goldwater	Thurmond

PRESENT AND GIVING LIVE PAIRS, AS PREVIOUSLY RECORDED—2

Ervin, against.

Stennis, against.

NOT VOTING—20

Anderson	Eagleton	Murphy
Bennett	Eastland	Pell
Bible	Hansen	Ribicoff
Cannon	Hartke	Russell
Cook	Inouye	Tower
Dodd	Magnuson	Yarborough
Dominick	Mundt	

So the resolution (S.J. Res. 211), as amended, was agreed to.

Mr. FULBRIGHT. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. BROOKE. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Without objection, the amendment to the preamble was agreed to.

The preamble, as amended, was agreed to as follows:

Whereas the competition to develop and deploy strategic weapons has reached a new and dangerous phase, which threatens to frustrate attempts at negotiating significant arms limitations and to weaken the stability of nuclear deterrence as a barrier to war;

Whereas development of multiple independently targetable reentry vehicles by both the United States and the Soviet Union represents a fundamental and radical challenge to such stability;

Whereas the possibility of agreed controls over strategic forces appears likely to diminish greatly if testing and deployment of multiple independently targetable reentry vehicles proceed;

Whereas a suspension of flight tests of multiple independently targetable reentry vehicles promises to forestall deployment of such provocative weapons; and

Whereas a suspension of such tests could contribute substantially to the success of the strategic arms limitation talks between the United States and the Soviet Union: Now, therefore, be it

The PRESIDING OFFICER. The title as proposed to be amended will be stated.

The bill clerk read as follows:

Resolution expressing the sense of the Senate on suspension of further deployment of offensive and defensive nuclear strategic weapons systems.

Mr. MILLER. Mr. President, I call up my amendment to the amendment to the title.

The PRESIDING OFFICER. The amendment will be stated.

The BILL CLERK. The Senator from Iowa (Mr. MILLER) proposes an amendment on page 4, to strike the last two lines and insert in lieu thereof the following:

The sense of the Senate on mutual suspension of further deployment of offensive and defensive nuclear weapons systems by the Union of Soviet Socialist Republic and by the United States.

Mr. MILLER. Mr. President, this is a perfecting amendment to accord with the other provisions of the resolution and also with the colloquies conducted on the floor of the Senate.

I have discussed the amendment with the distinguished prime sponsor of the resolution and with others. I understand that it is acceptable to them.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Iowa to the amendment to the title.

The amendment was agreed to.

The title, as amended, was agreed to.

PROGRAM

Mr. SCOTT. Mr. President, I should like to address a question to the distinguished majority leader.

Would the distinguished majority leader be good enough to advise us of the further program for today and thereafter?

Mr. MANSFIELD. Mr. President, in reply, for the information of the Senate, in addition to the Peace Corps Act, as amended, Calendar No. 768, H.R. 15349, the Railroad Adjustment Board, will be taken up tomorrow.

On Monday it is anticipated that we will take up Calendar No. 760 (S. 2846), the mental retardation bill; Calendar No. 747 (S. 3637), the equal-time bill.

On Tuesday we will take up Calendar No. 763 (S. 1814), the public ownership of the D.C. Transit System, and will finish the equal-time bill if it is not completed on Monday.

Following that, on Wednesday, we will consider Calendar No. 773 (S. 721), the credit card bill.

On Thursday, we will consider Calendar No. 764 (S. 3685), the mortgage credit bill; Calendar No. 712 (S. 1148), the Virgin Islands Act.

On Friday we will consider Calendar No. 564, H.R. 9477, the Umatilla Indian Reservation bill.

This is the best I can do in a definitive way as to stating what the schedule will be.

Mr. SCOTT. Mr. President, I say to the distinguished majority leader that I am glad I asked the question.

I thank the Senator from New Hampshire.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had passed the bill (S. 3690) to increase the pay of Federal employees, with an amendment, in which it requested the concurrence of the Senate.

The message also announced that the House had disagreed to the amendment of the Senate to the amendments of the House to the bill (S. 2601) to reorganize the courts of the District of Columbia, and for other purposes; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. McMILLAN, Mr. ABERNETHY, Mr. DOWDY, Mr. CABELL, Mr. NELSEN, Mr. HARSHA, Mr. BROYHILL of Virginia, and Mr. HOGAN were appointed managers on the part of the House at the conference.

FEDERAL EMPLOYEES SALARY ACT OF 1970

Mr. McGEE. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 3690.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 3690) to increase the pay of Federal employees which was to strike out all after the enacting clause, and insert:

That this Act may be cited as the "Federal Employees Salary Act of 1970".

SEC. 2. (a) (1) The President shall increase the rates of basic pay, basic compensation, and salaries (as such rates were increased by Executive Order Numbered 11474, dated June 16, 1969) contained in the schedules listed in paragraph (2) of this subsection by amounts equal, as nearly as may be practicable and with regard to maintaining approximately equal increments within any grade, level, or class of any such schedule, to 6 percent.

(2) The schedules referred to in paragraph (1) of this subsection are as follows: the General Schedule contained in section 5332 (a) of title 5, United States Code; the Postal Field Service Schedule and the Rural Carrier Schedule contained in sections 3542(a) and 3543(a), respectively, of title 39, United States Code; the schedules relating to certain positions within the Department of Medicine and Surgery of the Veterans' Administration and contained in section 4107 of title 38, United States Code; and the Foreign Service schedules contained in section 412 and 415 of the Foreign Service Act of 1946.

(b) Rates of basic pay, basic compensation, and salaries of officers and employees paid under the schedules referred to in subsection (a) of this section shall be increased initially under conversion rules prescribed by the President or by such agency as the President may designate.

(c) The increases made by the President under this section shall have the force and effect of law and shall be printed (1) in the Statutes at Large in the same volume as public laws, (2) the Federal Register, and (3) the Code of Federal Regulations.

SEC. 3. (a) The rates of pay of personnel subject to sections 210 and 214 of the Federal Salary Act of 1967 (81 Stat. 633, 635; Public Law 90-206), relating to Agricultural Stabilization and Conservation County Committee employees and to certain employees of the legislative branch of the Government,

respectively, and any minimum or maximum rate, limitation, or allowance applicable to any such personnel, shall be adjusted, effective on the first day of the first pay period which begins on or after December 27, 1969, by amounts which are identical, insofar as practicable, to the amounts of the adjustments under this section for corresponding rates of pay for employees subject to the General Schedule, by the following authorities—

(1) the Secretary of Agriculture, with respect to individuals employed by the county committees established under section 590h (b) of title 16;

(2) the Comptroller of the Senate, with respect to the United States Senate;

(3) the Finance Clerk of the House of Representatives, with respect to the United States House of Representatives; and

(4) the Architect of the Capitol, with respect to the Office of the Architect of the Capitol.

The provisions of this section shall not be construed to allow adjustments in the rates of pay of the following officers of the United States House of Representatives: Parliamentarian, Chaplain, Clerk, Sergeant at Arms, Doorkeeper, Postmaster, and the four Floor Assistants to the Minority whose position titles formerly were Minority Clerk, Minority Sergeant at Arms, Minority Doorkeeper, and Minority Postmaster.

(b) Notwithstanding section 665 of title 31, the rates of pay of employees in and under the judicial branch of the Government, whose rates of pay are fixed by administrative action pursuant to law and are not otherwise adjusted under this section may be adjusted, effective on the first day of the first pay period which begins on or after December 27, 1969, by amounts not to exceed the amounts of the adjustments under section 2(a) of this Act for corresponding rates of pay. The limitations fixed by law with respect to the aggregate salaries payable to secretaries and law clerks of circuit and district judges shall be adjusted, effective on the first day of the first pay period which begins on or after the date on which adjustments become effective under this section, by amounts not to exceed the amounts of the adjustments under this section for corresponding rates of pay.

(c) The rates of pay of United States attorneys and assistant United States attorneys whose annual salaries are fixed pursuant to section 548 of title 28, United States Code, shall be increased, effective on the first day of the first pay period which begins on or after December 27, 1969, by amounts equal, as nearly as may be practicable, to the increases provided pursuant to section 2 of this Act for corresponding rates of pay.

(d) Notwithstanding section 665 of title 31, the rates of pay of employees of the Federal Government and of the government of the District of Columbia whose rates of pay are fixed by administrative action pursuant to law and are not otherwise increased pursuant to this section are hereby authorized to be increased, effective on the first day of the first pay period which begins on or after December 27, 1969, by amounts not to exceed the increases provided pursuant to section 2 of this Act for corresponding rates of pay in the appropriate schedule or scale of pay.

SEC. 4. (a) An increase in pay, compensation, or salary which becomes effective under section 2 of this Act is not an equivalent increase in pay within the meaning of section 5335 of title 5, United States Code, or section 3552 of title 39, United States Code.

(b) Nothing in this Act shall impair any authority pursuant to which rates of pay, compensation, or salary may be fixed by administrative action.

(c) Notwithstanding any other provision of this Act—

(1) any officer or employee of the United States Government receiving pay, compensation, or salary which is less than the basic pay for level V of the Executive Schedule in section 5316 of title 5, United States Code, in effect on the date of enactment of this Act, shall not have his pay, compensation, or salary increased, by reason of the enactment of this Act, to a rate in excess of the basic pay for such level V; and

(2) any officer or employee of the United States Government receiving pay, compensation, or salary equal to or in excess of the basic pay for such level V shall not have his pay, compensation, or salary increased.

SEC. 5. (a) Retroactive pay, compensation, or salary shall be paid by reason of this Act only in the case of an individual in the service of the United States (including service in the Armed Forces of the United States) or the municipal government of the District of Columbia on the date of enactment of this Act, except that such retroactive pay, compensation, or salary shall be paid—

(1) to an officer or employee who retired, during the period beginning on the first day of the first pay period which began on or after December 27, 1969, and ending on the date of enactment of this Act, for services rendered during such period; and

(2) in accordance with subchapter VIII of chapter 55 of title 5, United States Code, relating to settlement of accounts, for services rendered, during the period beginning on the first day of the first pay period which began on or after December 27, 1969, and ending on the date of enactment of this Act, by an officer or employee who died during such period.

Such retroactive pay, compensation, or salary shall not be considered as basic pay for the purposes of subchapter III of chapter 83 of title 5, United States Code, relating to civil service retirement, or any other retirement law or retirement system, in the case of any such retired or deceased officer or employee.

(b) For the purposes of this section, service in the Armed Forces of the United States, in the case of an individual relieved from training and service in the Armed Forces of the United States or discharged from hospitalization following such training and service, shall include the period provided by law for the mandatory restoration of such individual to a position in or under the United States Government or the municipal government of the District of Columbia.

SEC. 6. (a) Section 11-702(d) of the District of Columbia Code is amended by striking out "\$29,000" and "\$28,500" and inserting in lieu thereof "\$36,500" and "\$36,000", respectively.

(b) Section 11-902(d) of the District of Columbia Code is amended by striking out "\$28,000" and "\$27,500", and inserting in lieu thereof "\$34,500" and "\$34,000", respectively.

(c) The first sentence of the second paragraph section 2 of the District of Columbia Revenue Act of 1937, as amended (D.C. Code, sec. 47-2402), is amended by striking out "\$27,500" and inserting in lieu thereof "\$34,000".

SEC. 7. The third sentence of subsection (b) of the first section of the Act of August 25, 1958, as amended (3 U.S.C. 102 note), is amended by striking out "\$80,000" and inserting in lieu thereof "\$96,000."

SEC. 8. Section 5545(c)(2) of title 5, United States Code, is amended to read as follows:

"(2) an employee in a position in which the hours of duty cannot be controlled administratively, and which requires substantial amounts of irregular, unscheduled, overtime duty with the employee generally being responsible for recognizing, without supervision, circumstances which require him to remain on duty, shall receive premium pay for this duty on an annual basis instead of premium pay provided by other provisions of this subchapter, except for regularly sched-

uled overtime, night, and Sunday duty, and for holiday duty. Premium pay under this paragraph is determined as an appropriate percentage, not less than 10 per centum nor more than 25 per centum, of such part of the rate of basic pay for the position as does not exceed the minimum rate of basic pay for GS-10, by taking into consideration the frequency and duration of irregular unscheduled overtime duty required in the position."

SEC. 9. (a) Sections 1 to 6, inclusive, of this Act shall become effective on the first day of the first pay period which begins on or after December 27, 1969.

(b) This section and sections 7 and 8 of this Act shall become effective on the date of enactment of this Act.

(c) For purposes of determining the amount of insurance for which an individual is eligible under chapter 87 of title 5, United States Code, relating to group life insurance for Government employees, all changes in rates of pay, compensation, and salary which result from the enactment of this Act shall be held and considered to become effective as of the date of such enactment.

(d) Any deduction to be made as the result of the enactment of this Act from the pay, compensation, or salary of an officer or employee enrolled in a retirement system of the United States Government, and the contribution of the agency employing the officer or employee, shall be made at the rates of deductions and contributions in effect for that system on the date of such enactment.

Mr. McGEE. Mr. President, I move that the Senate concur in the amendment of the House to the bill (S. 3690) to increase the pay of Federal employees, with the following amendments:

On page 2, line 21, strike out "(1) in" and insert in lieu thereof "in (1)".

On page 3, line 10, strike out "this section" and insert in lieu thereof "section 2 of this Act".

On page 3, line 16, strike out the word "Comptroller" and insert in lieu thereof the words "President pro tempore".

On page 5, line 19, strike out "other provision" and insert in lieu thereof "provisions other than section 6".

Mr. FONG. Mr. President, I join in the motion for concurrence with the amendments.

Mr. COOPER. Mr. President, what do the amendments do?

Mr. McGEE. They relate to language. The House took the Senate bill, in essence, and made language corrections to make it consistent in the use of the words. There were three changes involved in the House amendments, such as on page 2, line 21, to strike out the word "in" and insert in lieu thereof "in."

Mr. COOPER. In other words, no substantive changes?

Mr. McGEE. No. There were some people in one area who were considered premium—the border guards—and that was raised to 25 percent with the approval of downtown.

The PRESIDING OFFICER (Mr. SPONG). The question is on agreeing to the motion of the Senator from Wyoming.

The motion was agreed to.

PRESIDENT NIXON'S ANNOUNCEMENT ON FUTURE SUPREME COURT NOMINATIONS

Mr. BAKER. Mr. President, what I have to say I am sure will be of great interest to most Senators.

The wire service ticker in the cloakroom carries a dispatch quoting President Nixon as indicating he has instructed the Attorney General of the United States to try to find a nominee for the Supreme Court from outside the South. The President observed that he finds it difficult, if not impossible, to have a conservative southern nominee appointed to the Supreme Court.

Mr. President (Mr. BYRD of West Virginia), I rise now to say that I reluctantly agree with the President in that judgment. I think it is extraordinarily unfortunate that he has reached that conclusion, but I believe it is the correct conclusion under the circumstances.

While we might wage these fights all over again, it seems to me that the country deserves a ninth Justice of the Supreme Court and that it may, indeed, be much easier to find one acceptable from outside the South.

I come from Tennessee. As I observed yesterday, I hope that we do not have an anti-Southern bias in the Senate. I think that we do not. But we should be avoiding the appearance of bias as well.

Thus, as a Tennessean, whether Tennessee is classified as a Southern State or a border State, I pledge now that a nominee from outside the South sent to the Senate for consideration and, hopefully, for confirmation, will be examined by the Senate on the basis of no regionalism at all and without reference to his antecedents.

Mr. President, I hope that my colleagues will do the same in this case and in the case of some future southerner who may be nominated and then confirmed to serve on the Supreme Court.

Mr. SPONG. Mr. President, I want to follow up what has just been said by the distinguished Senator from Tennessee.

I regret that the President has reached that decision. I have no wish to reopen a debate that has already occupied far too much of our time. But I would observe that had the President's third nominee possessed the competence of his second—Judge Clement Haynsworth—I believe he would have been confirmed with a minimum of difficulty.

I would not want to believe that there is any prejudice in this Chamber against the South. Certainly that has not been the case in the past. Of the total of 43 Supreme Court Justices appointed in this century, 11 have been from the South, including Justice Hugo Black, of Alabama, Fred Vinson, former Chief Justice, James Brynes, of South Carolina, and Stanley Reed, of Kentucky.

For myself, along with the distinguished Senator from Tennessee, I intend to continue judging nominees for the Supreme Court not on a regional basis but on a national basis. What is important is to have an able man who can restore balance and public confidence in the Court.

Mr. DOLE. Mr. President, I would comment briefly as I have read President Nixon's statement.

I believe it is a recognition by the President that the Senate should no longer frustrate the Supreme Court or the American people.

It may also be recognition by the President that he intends to send an-

other nominee to the Senate as soon as possible. Though I made a different suggestion yesterday, apparently the President feels we should get on with the business and fill the vacancy. He recognizes, very clearly and correctly, that there is the appearance of bias in this Chamber with reference to the South, and potential Justices from the South.

The appearance is obvious. It is recognized by the President and he is moving ahead to nominate a nonsoutherner, but a strict constructionist. The President stated the Senate, as presently constituted, will not take a southerner. This is something which can be changed at a later time—say in November.

Mr. TYDINGS subsequently said: Mr. President, with respect to the remarks of the distinguished Senator from Tennessee (Mr. BAKER), I think it was a most unfortunate situation and it was most unwarranted that the statement was made that a conservative from the South could not be confirmed by the Senate.

In my judgment, and I think in the judgment of a great majority of my colleagues, a competent, qualified southerner who is a strict constructionist of conservative philosophy with a proper record could and would be confirmed by the Senate.

From time to time I have taken occasion in the Judiciary Committee and before the Senate to enumerate a number of great southern lawyers and jurists.

The problem is not with the section of the country. The problem is with the nominee whom the President just forwarded to the Senate—Judge Carswell.

Had the Department of Justice done a thorough screening, I am sure the President would not have nominated Mr. Carswell. Mediocrity, wherever it comes from, is not a quality which the people of America or the Senate of the United States is willing to accept for the Supreme Court.

TAX TREATMENT OF INDIVIDUALS SERVING ON U.S.S. "PUEBLO"

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 765.

The PRESIDING OFFICER. The bill will be stated by title.

The ASSISTANT LEGISLATIVE CLERK. A bill (H.R. 8654) to provide that, for purposes of the Internal Revenue Code of 1954, individuals who were illegally detained during 1968 by the Democratic People's Republic of Korea shall be treated as serving in a combat zone.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana?

There being no objection, the Senate proceeded to consider the bill.

Mr. MILLER. Mr. President, this bill (H.R. 8654) extends to the crew of the U.S.S. *Pueblo* the same tax treatment and tax benefits that are provided persons serving in a Presidentially designated combat zone.

There are four tax benefits provided under present law for members of the Armed Forces who are in active service

in a Presidentially designated combat zone. First, there is an income tax exclusion for pay received by a member of the Armed Forces for service in a combat zone or while he is a prisoner of war as a result of combat zone service. In the case of commissioned officers, the exclusion is limited to \$500 per month. Second, a member of the Armed Forces who dies as a result of combat zone service has his income tax for the year of death, as well as any unpaid income taxes for other years, waived. Third, there is an exception from the Federal estate tax—except that part against which credit for State death taxes may be taken—for any member of the Armed Forces who dies as a result of combat zone service. Fourth, an extension of time is granted for performing various actions, such as filing tax returns and paying taxes, to members of the Armed Forces serving in a combat zone and to other persons serving in support of the Armed Forces in a combat zone.

As I have indicated, however, these four provisions only apply where the person is in service in a Presidentially-designated combat zone. At present, Vietnam and adjacent waters is the only area designated by the President as a combat zone.

Accordingly, under present law the *Pueblo* crew is not entitled to the benefits of these four provisions, although the purpose of those provisions is to extend tax relief to military personnel subjected to the hazards and hardships of combat. The hardships and maltreatment suffered by the *Pueblo* crew during their detention by North Korea are well known, and of comparable magnitude to those suffered by military personnel serving in a combat zone. Therefore, it is appropriate to extend to the *Pueblo* crew the same tax treatment and tax benefits which are available with respect to service in a combat zone.

The bill, in effect, provides, for purposes of the provisions of the tax law I have mentioned, that individuals serving on the U.S.S. *Pueblo* are to be considered as having served in a Presidentially-designated combat zone during the period of their detention by North Korea. Thus, the *Pueblo* crew, including the one member who was killed during the capture of the ship by North Korea, will be accorded the tax benefits to which I have referred for the period of their imprisonment.

Mr. President, the enactment of this bill is favored by the administration. I urge its adoption.

The PRESIDING OFFICER. The bill is open to amendment. If there be no amendment to be proposed, the question is on the third reading and passage of the bill.

The bill (H.R. 8654) was ordered to a third reading, was read the third time, and passed.

AMENDMENT OF SECTION 613 OF THE MERCHANT MARINE ACT OF 1936

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 766, H.R. 12605.

The PRESIDING OFFICER. The bill will be stated by title.

The ASSISTANT LEGISLATIVE CLERK. A bill (H.R. 12605) to amend section 613 of the Merchant Marine Act, 1936, as amended.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Montana.

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Commerce with an amendment to strike out all after the enacting clause and insert:

That Section 613 of the Merchant Marine Act, 1936, as amended, (46 U.S.C. 1183) is amended by—

(a) Striking the letter "(d)" in subsection (b) after the words "under subsection" and inserting in lieu thereof the letter "(e)".

(b) Striking subsection (c) and inserting in lieu thereof a new subsection (c) to read as follows:

"(c) The Secretary of Commerce may authorize passenger vessels under operating-differential subsidy contracts to provide domestic service between specified ports while the vessels are on voyages in an essential service in the foreign commerce of the United States without reduction of operating differential subsidy for operating in the domestic trades, if it finds that such domestic service will not result in a substantial deviation from the service, route, or line for which operating-differential subsidy is paid and will not adversely affect service on such service, route, or line."

(c) Redesignating subsection (d) as subsection (e) and inserting a new subsection (d) to read as follows:

"(d) When a vessel is being operated on cruises or has been authorized under this section to provide domestic passenger services while on voyages in an essential service in foreign commerce of the United States—

"(1) it shall carry no mail unless required by law, or cargo except passengers' luggage, except between those ports between which it may carry mail and cargo on its regular service assigned by contract;

"(2) it may not carry one-way passengers between those ports served by another United States carrier on its regular service assigned by contract, without the consent of such carrier, except between those ports between which it may carry one-way passengers on its own regular service assigned by contract;

"(3) it shall stop at other domestic ports only for the same time and the same purpose as is permitted with respect to a foreign-flag vessel which is carrying passengers who embarked at a domestic port, except that a cruise may end at a different port or coast from that where it began and may embark or disembark passengers at other domestic ports, either when not involving transportation in the domestic offshore trade in competition with a United States-flag passenger vessel offering berth service therein, or, if involving such transportation, with the consent of such carrier: *Provided, however,* That nothing herein shall be construed to repeal or modify section 805(a) of this Act.

Section 605(c) of this Act shall not apply to cruises authorized under this section. Notwithstanding the applicable provisions of Section 605(a) and Section 506 of this Act requiring the reduction of operating differential subsidy and the partial payback of construction differential subsidy for operating in the domestic trades, such reduction of operating subsidy and partial payback of construction subsidy under Section 605(a) and 506, respectively, shall not apply to cruises or domestic services authorized under this section."

(d) Striking subsection (e).

DIGEST of Congressional Proceedings

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF BUDGET AND FINANCE
(FOR INFORMATION ONLY;
NOT TO BE QUOTED OR CITED)

For actions of April 13, 1970
91st-2nd; No. 58

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HIGHLIGHTS: House committee reported golden eagle bill. Rules Committee reported resolution concurring in Senate amendments to House amendment to pay bill; objection was made to unanimous-consent request. Rep. Sebelius objected to proposed increase in meat imports.

HOUSE

1. APPROPRIATIONS. Received from the President an amendment to the budget for fiscal year 1971 (H. Doc. No. 91-305); referred to the Committee on Appropriations. p.H2959 This proposal to transfer funds for financing functions of the Rural Community Development Service which were transferred to other agencies of the Department under Secretary's Memorandum No. 1679, includes the following:

Rural Community Development Service	-\$484,000	
Federal Extension Service		+ \$140,000
Farmer Cooperative Service		+ 23,000
Soil Conservation Service		+ 32,000
General Administration		+140,000
Rural Electrification Administration		+ 44,000
Farmers Home Administration		+ 91,000
Forest Service		+ 14,000

Received from the President proposed supplemental appropriations and other provisions for the fiscal year 1970 (H. Doc. 91-306); to Appropriations Committee p. H2959

Passed, 333 to 3, without amendment H. R. 16900, making appropriations for the Treasury and Post Office Departments, the Executive Office of the President, and certain independent agencies for the fiscal year ending June 30, 1971. pp. H2844-59

By voice vote, passed without amendment H. R. 16915, making appropriations for the legislative branch for the fiscal year ending June 30, 1971. pp. H2860-5

2. RECREATION. The Interior and Insular Affairs Committee reported with an amendment S. 2315, to restore the golden eagle program to the Land and Water Conservation Fund Act (H. Report No. 91-1000). p. H2960

3. PAY RAISE; PERSONNEL. The Rules Committee reported a resolution concurring in the Senate amendments to the House amendment to S. 3690, the pay bill (p. H2960). Objection was made to a unanimous-consent request to agree to the Senate amendments. pp. H2841-2

4. FARM PAYMENTS. Rep. Findley inserted a list of farmers receiving between \$15,000 and \$24,900 for farm program participation in 1969. pp. H2875-2947

5. LOBBYING. Received quarterly reports required under the Lobbying Act. pp. H2963-96

6. DEFENSE PRODUCTION. Both Houses received from Office of Emergency Preparedness draft of proposed legislation to amend and extend the Defense Production Act of 1950, as amended; to Banking and Currency Committees. pp. H2960, S5595

SENATE

7. MARINE SCIENCE; SEA GRANT. Both Houses received from the President a report, "Marine Science Affairs--Selecting Priority Programs" (H. Doc. 91-304); to S. Commerce and H. Merchant Marine and Fisheries Committees. pp. S5587, H2842-3
Sen. Murphy inserted his statement before the Education Subcommittee supporting the extension and expansion of the Sea Grant College measure. pp. S5611-2

8. TRADE; IMPORTS. Sen. Fannin repeated his concern over imports that compete unfairly in our domestic markets and suggested the initiation of "countervailing duty proceedings whenever and from wherever subsidized exports are encountered on our shores." pp. S5588-9

9. ENVIRONMENT; NATIONAL PARKS. Sen. Allott urged an increase in the Land and Water Conservation Fund and commended Secretary Hickel for his proposal to bring the "parks to the people." p. S5613

EXTENSION OF REMARKS

20. MEAT IMPORTS. Rep. Sebelius stated that an increase in meat imports could jeopardize our national cattle industry. pp. E3062-3

CONCURRING IN THE SENATE AMENDMENTS TO THE
HOUSE AMENDMENT TO S. 3690

APRIL 13, 1970.—Referred to the House Calendar and ordered to be printed

Mr. O'NEILL of Massachusetts, from the Committee on Rules,
submitted the following

REPORT

[To accompany H. Res. 909]

The Committee on Rules, having had under consideration House Resolution 909, reports the same to the House with the recommendation that the resolution do pass.



House Calendar No. 183

91ST CONGRESS
2D SESSION

H. RES. 909

[Report No. 91-1002]

IN THE HOUSE OF REPRESENTATIVES

APRIL 13, 1970

Mr. O'NEILL of Massachusetts, from the Committee on Rules, reported the following resolution; which was referred to the House Calendar and ordered to be printed

RESOLUTION

1 *Resolved*, That immediately upon the adoption of this
2 resolution the bill (S. 3690) to increase the pay of Federal
3 employees, with the Senate amendments to the House
4 amendment thereto, be, and the same hereby is, taken from
5 the Speaker's table, to the end that the Senate amendments
6 to the House amendment be, and the same are hereby,
7 agreed to.

91ST CONGRESS
2D Session

H. RES. 909

[Report No. 91-1002]

RESOLUTION

Providing for concurring in the Senate amendments to the House amendment to the bill (S. 3690) to increase the pay of Federal employees.

By Mr. O'NEILL of Massachusetts

APRIL 13, 1970

Referred to the House Calendar and ordered to be printed



United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 91st CONGRESS, SECOND SESSION

Vol. 116

WASHINGTON, MONDAY, APRIL 13, 1970

No. 58

House of Representatives

The House met at 12 o'clock noon.

Rev. Eugene V. Stime, president, Lutheran Biblical Institute, Seattle, Wash., offered the following prayer:

Lord of Hosts and Creator of the world, we cannot understand how You can bother with puny man. And yet You have put him in charge of everything You have made.

Facing this delegated responsibility, we pray that Your eternal purposes may be known to those who face major decisions; that Your gracious will may be understood by those who set guidelines for human conduct; that Your loving spirit may be revealed to those who mold public opinion; and that Your highest ideals may be digested by those who write what other people read.

O God, may their thinking be keen, their speech frank and their actions decisive. In the name of the Christ who taught us to pray. Amen.

THE JOURNAL

The Journal of the proceedings of Thursday, April 9, 1970, was read and approved.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Leonard, one of his secretaries.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment bills of the House of the following titles:

H.R. 8654. An act to provide that, for purposes of the Internal Revenue Code of 1954, individuals who were illegally detained during 1968 by the Democratic People's Republic of Korea shall be treated as serving in a combat zone; and

H.R. 15349. An act to amend the Railway Labor Act in order to change the number of carrier representatives and labor organization representatives on the National Railroad Adjustment Board, and for other purposes.

The message also announced that the Senate had passed with an amendment

in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 12605. An act to amend section 613 of the Merchant Marine Act, 1936, as amended.

The message also announced that the Senate agrees to the amendment of the House to a bill of the Senate (S. 3690) entitled "An act to increase the pay of Federal employees," with amendments in which concurrence of the House is requested.

The message also announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 3430. An act to amend the Peace Corps Act to authorize additional appropriations and for other purposes.

FEDERAL EMPLOYEES SALARY INCREASES

Mr. UDALL. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (S. 3690) to increase the pay of Federal employees, with Senate amendments to the House amendment thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments to the House amendment, as follows:

Page 2, line 21, of the House engrossed amendment, strike out "(1) in" and insert "in (1)".

Page 3, line 10, of the House engrossed amendment, strike out "this section" and insert "section 2 of this Act".

Page 3, line 16, of the House engrossed amendment, strike out "Comptroller" and insert "President pro tempore".

Page 5, line 19, of the House engrossed amendment, strike out "other provision" and insert "provisions other than section 6".

The SPEAKER. Is there objection to the request of the gentleman from Arizona?

Mr. JACOBS. Mr. Speaker, reserving the right to object, I wonder if the gentleman from Arizona would enlighten the House as to whether the press reports about this error are correct. Does this error deal with the 6-percent pay raise for congressional legislative employees?

Mr. UDALL. Well, there is considerable

confusion, if the gentleman will yield, in the press about the technical amendments.

As I understand the amendments, this is not the case.

At first, it appeared that the House employees would be shut out of the increases because of a technical amendment. However, on further reflection and examination, this would not be the case.

Mr. JACOBS. Will the Members of the House have an opportunity to peruse this language in writing themselves before being asked to vote on these amendments? I notice they are not printed, and they are not at the tables.

Mr. UDALL. I have copies available for the gentleman. I was going to make a rather complete explanation of the amendments. But the matter pending before the House is my request for unanimous consent to take from the Speaker's table and agree to the Senate amendments, and then it would clear it for the White House.

Mr. JACOBS. If it is a unanimous-consent request to agree to the Senate amendments, I would be constrained to object without further information as to precisely what these amendments are, or an opportunity to peruse them myself and determine whether, in fact, they do affect the congressional staff employees.

I do not believe Capitol Hill congressional staff people should catch a pay raise on the misery of the postmen in this country with this bill. Would the gentleman interpret this amendment as helping these staff people toward a pay raise?

Mr. UDALL. If the gentleman will yield to me, I will make a very brief interpretation.

Mr. JACOBS. I am glad to yield to the gentleman.

Mr. UDALL. I have a copy of the bill, and if the gentleman will follow me, on the bill, H.R. 16844, which was the basis of the original House action, the first amendment is in line 21 on page 2, which simply changes the preposition "in", it says "(1) in" and the correct language should have been "in (1)".

That is a purely technical and purely an improper placement of the preposition and does not change the language or the intent any way.

The second one is on page 3, line 10,

and there the words in question are "this section". The proper reference should have been "section 2". This section was section 3 and the proper reference should have been "section 2".

Mr. JACOBS. What would happen to the bill as a consequence of this misreference? What is the effect of this misreference, if I may ask the gentleman?

Mr. UDALL. The operative language of the actual increase is to provide as to section 2 rather than to section 3. So this is simply an improper reference and goes to all of the pay increases.

Mr. JACOBS. Is the gentleman prepared to say that this particular error does not result in deleting the pay raise for congressional staff employees?

Mr. UDALL. There is a question of interpretation which the staff and some of the lawyers have struggled over the weekend and you can argue, I am told, as to an interpretation which would exclude the employees of the legislative branch from any pay raise.

On the other hand, some of the best advice I have had is that it would not be so interpreted.

Mr. JACOBS. With all due respect to my colleague, the gentleman from Arizona, for whom I have the profoundest regard, I object because of the possibility that this amendment would in effect give an unwarranted pay raise for congressional employees when the need is borne by the postmen.

The SPEAKER. Objection is heard.

FEDERAL EMPLOYEES SALARY INCREASES

EXPLANATION OF SENATE AMENDMENTS TO HOUSE AMENDMENTS TO S. 3690

Mr. UDALL. Mr. Speaker, the first Senate amendment corrects the placement of the preposition "in" as it appeared in S. 3690 as first passed by the Senate, which was not corrected in the House amendment.

The second Senate amendment corrects a section reference in the House amendment. The amendment incorrectly refers to adjustments under "this section"—section 3—whereas it should refer to "section 2."

The third Senate amendment represents a decision by that body that the pay raises for Senate employees be made by the President pro tempore of the Senate, instead of by the Comptroller of the Senate as provided in the House amendment.

The comparative House procedure is outlined on page 3 of the bill, and provides that the House officer who will adjust pay of legislative employees, is the "Finance Clerk of the House of Representatives."

Actually, the word "Finance" is not needed and should eventually be eliminated from the basic law. It was the committee's intent to refer to the principal fiscal officer of the House, who is really the Clerk of the House.

Thus, it will be the Clerk who adjusts and pays the House employees.

The fourth Senate amendment also corrects an inadvertent omission in the bill as first passed by the Senate which was not corrected by the House amend-

ment. Both the House and Senate versions provide, in effect, that no employee have his salary increased under this bill to an amount in excess of the salary rate for executive level V—\$36,000. In another section of the bill, however, the Senate version increased the salaries of a number of District of Columbia judges to amounts in excess of \$36,000. The House amendment eliminated all except one of such higher salaries—the salary of the chief judge of the District of Columbia Court of Appeals, which is fixed at \$36,500. The fourth Senate amendment provides an exception from the \$36,000 limitation for the chief judge.

(Mr. UDALL asked and was given permission to revise and extend his remarks.)

PERMISSION FOR SUBCOMMITTEE ON NATIONAL PARKS AND RECREATION TO SIT DURING GENERAL DEBATE TODAY

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent that the Subcommittee on National Parks and Recreation be allowed to sit during general debate this afternoon.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

ATTORNEY GENERAL WRONGFULLY BLAMED FOR DEFEAT OF SUPREME COURT NOMINATIONS

(Mr. EDWARDS of Alabama asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EDWARDS of Alabama. Mr. Speaker, wire service reports this morning indicated that Life magazine has called for the resignation of Attorney General John N. Mitchell who, they said, was responsible for the two defeats of the President's Supreme Court nominations.

Not only is the assertion false, since the blame for the defeats of Judges Clement Haynsworth and Harrold Carswell lie squarely on the shoulders of the Senate, but Mr. Mitchell has led the much-needed vanguard in the fight against crime and criminal disorder in our society that was allowed to run rampant during the last decade.

The Attorney General has initiated a massive assault on organized crime which has reached unprecedented proportions. He has led the fight for stricter laws that will end the permissiveness that has seen complete disregard for law and authority in this country. Moreover, he has personally shown a strong attitude toward criminals that has set an example to others in the law-enforcement field.

Rather than removed from office, Mr. Mitchell should be congratulated and urged to continue his fine work. Hopefully this body will provide him with some help in the fight on crime. Both this body and the other body have been greatly lax in facing their obligations in this area. Maybe Life magazine is pointing its editorial finger in the wrong direction.

CORRECTION OF VOTE

Mr. DUNCAN. Mr. Speaker, on rollcall No. 71 I am recorded as not voting. I was present and voted "yea." I ask unanimous consent that the permanent Record and Journal be corrected accordingly.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

THE UNEMPLOYMENT RATE RISES ONCE AGAIN

(Mr. BARRETT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARRETT. Mr. Speaker, once again the Nation's unemployment rate has risen. The March unemployment figures show that 4.4 percent of the total labor force was out of work. After a little more than a year of this Republican administration, approximately 1 million more workers are out of work as of March 1970 than were out of work in March 1969. This once again proves that the laborer is nothing but a pawn in the hands of the administration's economic policymakers. The so-called silent majority must bear the burden of unemployment in order to successfully wage the administration's fight against inflation.

Earlier this year the Chairman of the Federal Reserve Board, Dr. Arthur Burns, and the Chairman of the President's Council of Economic Advisers, Dr. Paul McCracken, told the Committee on Banking and Currency that they estimated the unemployment rate for the coming year would not exceed 4.3 percent. Already the unemployment rate has exceeded their expectations. The most pessimistic aspect of the newly released unemployment figures was that the unemployment has been heavily concentrated among adult men and women. When full-time employed workers are being laid off in great numbers, the time has come to recognize that the rise in the unemployment rate is a very serious situation. Also, the figures tell us that both white collar workers as well as blue collar workers have been hit very hard by unemployment.

Mr. Speaker, again we see the Republican administration employing the same tired old tactics to deal with a troubled economy allowing big business to benefit by higher and higher prices charged to the consumer, but doing nothing to help the unemployed worker.

REPORT OF NATIONAL COUNCIL ON MARINE RESOURCES AND ENGINEERING DEVELOPMENT—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 91-304)

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Merchant Marine and Fisheries and ordered to be printed with illustrations:

(Mr. HECHLER of West Virginia asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

[Mr. HECHLER of West Virginia's remarks will appear hereafter in the Extensions of Remarks.]

(Mrs. DWYER asked and was given permission to extend her remarks at this point in the RECORD, and to include extraneous matter.)

[Mrs. DWYER'S remarks will appear hereafter in the Extensions of Remarks.]

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows to:

Mr. BRADEMAS (at the request of Mr. GRAY), for today, on account of official business.

Mr. REES (at the request of Mr. SISK), for today, on account of official business.

Mr. STUCKEY (at the request of Mr. BRINKLEY), for today, on account of official business.

Mr. PEPPER (at the request of Mr. FOUNTAIN), for today, on account of official business.

Mr. LENNON (at the request of Mr. FOUNTAIN), for today and remainder of week, on account of official business.

Mr. ROONEY of New York (at the request of Mr. ALBERT), for Monday, April 13, 1970, on account of illness.

Mr. BARING (at the request of Mr. ANDERSON of California), for today, on account of illness in family.

Mr. JONES of Tennessee (at the request of Mr. ALBERT), for today, on account of official business.

Mr. HANNA (at the request of Mr. ANDERSON of California), for today, on account of official business.

Mr. CHARLES H. WILSON (at the request of Mr. ALBERT), for today, on account of official business.

Mr. PATMAN (at the request of Mr. ALBERT), for today, on account of official business.

Mr. FLYNT (at the request of Mr. ALBERT), for today, on account of official business.

Mr. MOLLOHAN (at the request of Mr. ALBERT), for today, on account of official business.

Mr. McDADE (at the request of Mr. GERALD R. FORD), on account of official business.

Mr. WATSON (at the request of Mr. GERALD R. FORD), for today, on account of annual visual examination.

Mr. SCHADEBERG (at the request of Mr. GERALD R. FORD), for April 13 through 15 on account of personal reasons.

Mr. TEAGUE of California (at the request of Mr. GERALD R. FORD), for an indefinite period, on account of a death in the family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. LUJAN) to revise and extend their remarks and include extraneous material:)

Mr. FREY for 1 hour, on Wednesday, April 15.

Mr. WEICKER (immediately after Mr. FREY), for 1 hour, on Wednesday, April 15.

Mr. GERALD R. FORD for 1 hour, on Wednesday, April 15.

Mr. WYMAN for 1 hour, on Wednesday, April 15.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. UDALL, following the objection of the gentleman from Indiana on the pay bill amendments today.

Mr. FARSTEIN (at the request of Mr. ADDABBO), to extend the remarks following those of Mr. STEED today in the Committee of the Whole on H.R. 16900.

Mrs. SULLIVAN, to follow the remarks of Mr. STEED on H.R. 16900.

Mr. STEED to revise and extend his remarks and include extraneous matter in the Committee of the Whole today on H.R. 16900.

(The following Members (at the request of Mr. LUJAN), and to include extraneous matter:)

Mr. POLLOCK in five instances.

Mr. HARSHA in two instances.

Mr. GOLDWATER.

Mr. BUSH.

Mr. CONTE.

Mr. BROWN of Ohio.

Mr. FOREMAN in two instances.

Mr. HOSMER in two instances.

Mr. ASHBROOK.

Mr. DERWINSKI.

Mr. HASTINGS.

Mr. BROYHILL of Virginia in three instances.

Mr. SHRIVER.

Mr. WYMAN in two instances.

Mr. HOGAN in two instances.

Mr. BROYHILL of North Carolina.

Mr. GOODLING.

Mr. ARENDS.

Mr. BURTON of Utah in five instances.

Mr. BOW.

Mr. TEAGUE of California.

Mr. COUGHLIN.

Mr. COLLIER in three instances.

Mrs. DWYER in three instances.

Mr. RAILSBACK in two instances.

Mrs. HECKLER of Massachusetts in two instances.

Mr. McEWEN.

(The following Members (at the request of Mr. MCCARTHY) and to include extraneous matter:)

Mr. PUCINSKI in six instances.

Mr. ST. ONGE in two instances.

Mr. FRASER in three instances.

Mr. ROONEY of Pennsylvania.

Mr. SCHEUER.

Mr. MATSUNAGA.

Mr. WOLFF in three instances.

Mrs. SULLIVAN in five instances.

Mr. ECKHARDT.

Mr. WALDIE.

Mr. CHARLES H. WILSON.

Mr. JARMAN.

Mr. RARICK in three instances.

Mr. ROSENTHAL in five instances.

Mr. GALLAGHER.

Mr. GRIFFIN in two instances.

Mr. REUSS in six instances.

Mr. FULTON of Tennessee in three instances.

Mr. FOUNTAIN.

Mr. KLUCZYNSKI in two instances.

Mr. RODINO in three instances.

Mr. GONZALEZ in two instances.

Mr. LONG of Maryland.

Mr. DONOHUE in two instances.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 3430. An act to amend the Peace Corps Act to authorize additional appropriations, and for other purposes; to the Committee on Foreign Affairs.

ENROLLED BILLS SIGNED

Mr. FRIEDEL, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 8654. An act to provide that, for purposes of the Internal Revenue Code of 1954, individuals who were illegally detained during 1968 by the Democratic People's Republic of Korea shall be treated as serving in a combat zone; and

H.R. 15349. An act to amend the Railway Labor Act in order to change the number of carrier representatives and labor organization representatives on the National Railroad Adjustment Board, and for other purposes.

ADJOURNMENT

Mr. MCCARTHY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 20 minutes p.m.), the House adjourned until tomorrow, Tuesday, April 14, 1970, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1907. A letter from the Acting Assistant Secretary for Congressional Relations, Department of State, transmitting copies of a Presidential determination and related memoranda authorizing military grant assistance to an economically developed country; to the Committee on Foreign Affairs.

1908. A communication from the President of the United States, transmitting proposed supplemental appropriations and other provisions for the fiscal year 1970 (H. Doc. No. 91-306); to the Committee on Appropriations and ordered to be printed.

1909. A communication from the President of the United States, transmitting amendments to the requests for appropriations transmitted in the budget for the fiscal year 1971 (H. Doc. No. 91-305); to the Committee on Appropriations and ordered to be printed.

1910. A letter from the Director, Bureau of the Budget, Executive Office of the President, transmitting a report that the appropriation to the Department of Justice for "Fees and expenses of witnesses" for the fiscal year 1970, has been reapportioned on a basis which indicates the need for a supplemental esti-

mate of appropriation, pursuant to section 3679 of the Revised Statutes, as amended (31 U.S.C. 665); to the Committee on Appropriations.

1911. A letter from the Director, Office of Emergency Preparedness, Executive Office of the President, transmitting a draft of proposed legislation to amend and extend the Defense Production Act of 1950, as amended; to the Committee on Banking and Currency.

1912. A letter from the Commissioner, District of Columbia, transmitting the annual report of the Office of Civil Defense of the District of Columbia, pursuant to the provisions of section 6, Public Law 686, 81st Congress; to the Committee on the District of Columbia.

1913. A letter from the Secretary of State, transmitting the 17th annual report of activities under the Federal Property and Administrative Services Act of 1949 for the year 1969, pursuant to section 404(d) of the act; to the Committee on Government Operations.

1914. A letter from the Comptroller General of the United States, transmitting a report on the need for improved practices for obtaining equitable contributions toward the cost of constructing sanitation facilities for Indians; Health Services and Mental Health Administration, Department of Health, Education, and Welfare; to the Committee on Government Operations.

1915. A letter from the Secretary of the Interior, transmitting a report on the Charles R. Robertson Lignite Research Laboratory of the Bureau of Mines at Grand Fork, N. Dak., for the year 1969, pursuant to the act of March 25, 1948 (62 Stat. 85); to the Committee on Interior and Insular Affairs.

1916. A letter from the Secretary of Transportation, transmitting a draft of proposed legislation, "To amend the Natural Gas Pipeline Safety Act of 1969"; to the Committee on Interstate and Foreign Commerce.

1917. A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting a withdrawal request of previously reported case of Mr. Git-Chuen Henry Wong involving suspension of deportation pursuant to section 244(a)(1) of the Immigration and Nationality Act of 1952, as amended; to the Committee on the Judiciary.

1918. A letter from the associate director of national finance and development services, Boys' Clubs of America, transmitting a report for the 9-month period ended September 30, 1969; to the Committee on the Judiciary.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. THOMPSON of New Jersey: Committee on House Administration. H.R. 12619. A bill to amend section 11 of an act approved August 4, 1950, entitled "An act relating to the policing of the buildings and grounds of the Library of Congress" (Rept. No. 91-997). Referred to the Committee of the Whole House on the State of the Union.

Mr. THOMPSON of New Jersey: Committee on House Administration. S. 1968. An act to authorize the Secretary of the Interior to permit the removal of the Francis Asbury statue, and for other purposes (Rept. No. 91-998). Referred to the Committee of the Whole House on the State of the Union.

Mr. THOMPSON of New Jersey: Committee on House Administration. House Joint Resolution 1069. Joint resolution extending for 4 years the existing authority for the erection in the District of Columbia of a memorial to Mary McLeod Bethune (Rept. No. 91-999). Referred to the Committee of the Whole House on the State of the Union.

Mr. TAYLOR: Committee on Interior and Insular Affairs. S. 2315. An act to restore the golden eagle program to the Land and Water Conservation Fund Act; with an amendment (Rept. No. 91-1000). Referred to the Committee of the Whole House on the State of the Union.

Mr. THOMPSON of New Jersey: Committee on House Administration. House Joint Resolution 1098. Joint resolution to provide for the appointment of James Edwin Webb as Citizen Regent of the Board of Regents of the Smithsonian Institution. (Rept. No. 91-1001). Referred to the House Calendar.

Mr. O'NEILL of Massachusetts: Committee on Rules: House Resolution 909. Resolution concurring in the Senate amendments to the House amendment to S. 3690 (Rept. No. 91-1002). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BERRY:

H.R. 16917. A bill to provide for the distribution of judgment funds to the Cheyenne River Sioux Tribe; to the Committee on Interior and Insular Affairs.

By Mr. BERRY (for himself and Mr. JOHNSON of California):

H.R. 16918. A bill to preserve the domestic gold mining industry and to increase the domestic production of gold; to the Committee on Interior and Insular Affairs.

By Mr. BROWN of California:

H.R. 16919. A bill to authorize and direct the Secretary of Agriculture to acquire certain lands and interests therein within the San Bernardino National Forest, Calif.; to the Committee on Interior and Insular Affairs.

By Mr. MILLS:

H.R. 16920. A bill to provide for orderly trade in textile articles and articles of leather footwear and for other purposes; to the Committee on Ways and Means.

By Mr. CARTER:

H.R. 16921. A bill to encourage the growth of international trade on a fair and equitable basis; to the Committee on Ways and Means.

By Mr. LUKENS:

H.R. 16922. A bill to provide for annual adjustments in monthly monetary benefits administered by the Veterans' Administration, according to changes in the Consumer Price Index; to the Committee on Veterans' Affairs.

By Mr. MOLLOHAN:

H.R. 16923. A bill to establish a development bank to aid in financing low- and moderate-income housing, employment opportunities for unemployed and low-income citizens, and public facilities in certain urban and rural areas; to the Committee on Banking and Currency.

By Mr. MURPHY of New York:

H.R. 16924. A bill to protect the public health and safety by amending the depressant, stimulant, and hallucinogenic drug laws, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 16925. A bill to amend the Public Health Service Act, the Federal Food, Drug, and Cosmetic Act, the Community Mental Health Centers Act, and other acts to establish a comprehensive program to deal with narcotic addiction and drug abuse, to provide for control of marihuana, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 16926. A bill to amend the National Environmental Policy Act of 1969 to provide for class actions in the U.S. district courts against persons responsible for creating certain environmental hazards; to the Committee on Merchant Marine and Fisheries.

H.R. 16927. A bill to amend title 39, United States Code, to exclude from the mails as a

special category of nonmailable matter certain material offered for sale to minors, to protect the public from the offensive intrusion into their homes of sexually oriented mail matter, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 16928. A bill to amend title XVIII of the Social Security Act to provide for the earlier determination of an individual's eligibility for posthospital extended care services, and to prevent the retroactive denial of such eligibility after the individual has received such services for a specified period; to the Committee on Ways and Means.

By Mr. MURPHY of New York (for himself, Mr. BRASCO and Mr. MOSS):

H.R. 16929. A bill to require the establishment of marine sanctuaries and to prohibit the depositing of any harmful materials therein; to the Committee on Merchant Marine and Fisheries.

By Mr. SAYLOR:

H.R. 16930. A bill to amend the Land and Water Conservation Fund Act of 1965, as amended, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. SCHADEBERG:

H.R. 16931. A bill making an appropriation to the Department of Health, Education, and Welfare to complete the Federal obligation due 45 hospitals; to the Committee on Appropriations.

By Mr. SCHWENGEL:

H.R. 16932. A bill to amend the Federal-Aid Highway Act of 1968 to provide additional funds for highway safety programs by authorizing appropriations for such programs in an amount equal to 40 percent of the revenue collected from Federal taxes relating to alcohol; to the Committee on Public Works.

By Mrs. SULLIVAN:

H.R. 16933. A bill to exempt from certain deep-draft safety statutes passenger vessels operating solely on the inland river and waterways; to the Committee on Merchant Marine and Fisheries.

By Mr. TAYLOR:

H.R. 16934. A bill to amend the Internal Revenue Code of 1954 to provide a tax credit for investments in certain economically lagging regions; to the Committee on Ways and Means.

By Mr. TEAGUE of Texas (for himself and Mr. AYRES) (by request):

H.R. 16935. A bill to amend title 38 of the United States Code to provide that term insurance be automatically converted to modified life insurance under certain circumstances, to inform term insurance policyholders periodically of the current and estimated future costs for such insurance, to provide for reduced paid-up policies, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. CHARLES H. WILSON:

H.R. 16936. A bill to assist in combating crime by reducing the incidence of recidivism, providing improved Federal, State, and local correctional facilities and services, strengthening administration of Federal corrections, strengthening control over probationers, parolees, and persons found not guilty by reason of insanity, and for other purposes; to the Committee on the Judiciary.

By Mr. BURKE of Massachusetts (for himself, Mr. SCHNEEBELI, Mr. WYMAN, Mr. LANDRUM, Mr. DORN, Mr. VANIK, Mr. KEITH, Mr. TIERNAN, Mr. FULTON of Tennessee, Mr. BROYHILL of North Carolina, Mr. ST GERMAIN, Mr. PRICE of Illinois, Mr. HARSHA, Mr. ROONEY of Pennsylvania, Mr. DOWNING, Mr. GETTYS, Mr. SISK, Mr. FISHER, Mr. ABERNETHY, Mr. PHILBIN, Mr. MACDONALD of Massachusetts, Mr. JONAS, Mr. O'NEILL of Massachusetts, Mr. DONOHUE and Mr. CLEVELAND):

H.R. 16937. A bill to provide for orderly trade in textile articles and articles of leather footwear and for other purposes; to the Committee on Ways and Means.

DIGEST of Congressional Proceedings

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF BUDGET AND FINANCE
(FOR INFORMATION ONLY;
NOT TO BE QUOTED OR CITED)

For actions of April 14, 1970
91st-2nd; No. 59

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HIGHLIGHT: House agreed to resolution concurring in Senate amendments to pay bill.

HOUSE

- PAY RAISE; PERSONNEL.** Agreed to H. Res. 909, providing for concurring in the Senate amendments to the House amendment to S. 3690, to increase the pay of Federal employees. This bill will now be sent to the President. pp. H3004-8
- WELFARE.** The Rules Committee reported a resolution providing for the consideration of H. R. 16311, to authorize a family assistance plan. p. H3064
- BUDGET.** Received from the Budget Bureau a report on operation of the limitation on budget outlays for the fiscal year 1970, pursuant to the Second Supplemental Appropriation Act of 1969 (H. Doc. 91-307); to Appropriations Committee. p. H3064

4. ENVIRONMENT; POLLUTION. Received from the Government Operations Committee a report on phosphates in detergents and the entrophication of America's waters (H. Report No. 91-1004). p. H3064
Rep. Ryan said that research has shown that PCB's pose a serious danger to the environment and that he has urged this Department to ban the use of PCB's in pesticides. pp. H3055-6
5. APPROPRIATIONS. Passed without amendment H. R. 16916, making appropriations for the Office of Education for the fiscal year ending June 30, 1971. pp. H3008-42
6. FOOD LABELING. Rep. Farbstein said that response to his proposed bill to require the open dating of packaged foods is overwhelmingly favorable, that he will reintroduce the bill and inserted an article which "forcefully portrays the food coding practices of supermarket chains." pp. H3049-51
7. FARM PROGRAM. Rep. Sisk defended Rep. Poage against criticism by "some farm organization leaders because he joined in getting subcommittee approval last week of wheat and feed grain price support legislation..." p. H3053
8. FOREIGN TRADE. Rep. Podell suggested that the changing picture of world trade requires a reassessment of our foreign trade policy. pp. H3053-4
9. JOB CORPS. Rep. Ryan opposed the closing of Job Corps Centers and said that "This administration has defaulted on the Government's obligation to the youths who formerly could look to the Job Corps as a chance..." pp. H3054-5
10. WATER RESOURCES. Received from the Water Resources Council a draft of proposed legislation to include the Secretary of Commerce and the Secretary of Housing and Urban Development as members of the Water Resources Council; to Interior and Insular Affairs Committee. p. H3064

SENATE

11. DAYLIGHT TIME. Received petition of the legislature of State of Kansas requesting amendment of Uniform Time Act to limit daylight saving time to the period after Memorial Day and before Labor Day of each year. pp. S5670-71
12. WATER. Sen. Randolph inserted Sen. Symington's speech, "Life From Water", stressing need for water resource program. pp. S5661-62
13. WASTE TREATMENT. Sen. Cooper praised the new regulations from Interior Dept. on grant conditions for waste treatment plant construction and inserted portion of regulations. pp. S5700-02
14. TRADE, IMPORTS. Sen. Byrd (W. Va.) stated that Congress has an obligation to conduct a complete review of our trade program to protect domestic industries and jobs. pp. S.5679-81

under the Republicans. Unemployment decreases under the Democrats.

Mr. GERALD R. FORD. The important thing is that there was a high unemployment of over 5 percent every year in the first 4 years of the period after the Eisenhower administration. The only time it went down was when we increased our military commitment in Vietnam by the sending of some 540,000 young men to fight a war some 8,000 miles away.

We as Republicans do not agree that 4.4 percent unemployment is good, and we are going to do something about it, but I hate to see individuals like the gentleman from Florida point out how bad it is now, when it was far worse under his administration.

Mr. GIBBONS. And far worse during the Eisenhower years, if I can remind the distinguished minority leader.

Mr. GERALD R. FORD. Unemployment in the 8 years of the Eisenhower administration averaged less than during the two Democratic administrations from January 1961 to January 1969 and under the Eisenhower—Republican administration America was not at war.

TRIBUTE TO APOLLO XIII ASTRONAUTS

Mr. MILLER of California. Mr. Speaker, I offer a resolution (H. Res. 912) and ask unanimous consent for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 912

Resolved, That the House of Representatives pays tribute to the Apollo XIII astronauts, James Lovell, John L. Swigert, Jr., and Fred W. Haise, Jr., for their courage and valor; extends its support to their families, friends, and all those involved in their mission; and urges all businesses, commercial operations, communications media, and all the people of the nation to pause at 9 o'clock p.m. today, April 14, 1970, and join in asking the help of Almighty God to assure the safe return of these astronauts.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. MILLER of California. Mr. Speaker, all Americans and people everywhere across the world are deeply concerned over what has happened to three of our astronauts far out in space. Their concern is rooted in the fact that they, through their actual participation in the Apollo program or participating in spirit by watching the previous flights to the moon on television, believe they have a share in the courage and coolness under pressure which Captain Lovell, Mr. Haise, and Mr. Swigert are demonstrating tonight. As competent as we know those three gentlemen are, I believe it is time that we plead with the higher authority to intercede with His protection against events that would be beyond the control of the astronauts.

Therefore, I ask that each Member of the House join with me and pause not for just one moment, but for many moments over the next 3 days to pray to the Almighty according to his or her beliefs for the successful and safe return of our astronauts. In these days of monu-

mental achievements in science and technology, it is well to be reminded that it has been the spirit instilled in man by his Creator that makes clear that His Divine Providence is really the sole source of man's sustenance.

The resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. MILLER of California. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the resolution just agreed to (H. Res. 912).

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

SUPREME COURT NOMINEES

(Mr. THOMPSON of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMPSON of Georgia. Mr. Speaker, last week the Senate for the second time refused to confirm a southern strict constructionist for a position on the Supreme Court.

The junior Senator from Indiana was one of the outstanding opponents to these eminently well-qualified jurists. In fact, Judge Carswell had three times as much judicial experience as all the Supreme Court nominees in the Kennedy and Johnson administrations combined. The junior Senator from Indiana may be proud of his actions in trying to destroy the reputation and credibility of these eminent southern jurists. But I, for one, believe that the junior Senator's motive had nothing to do with the qualifications of these individuals as he states, but dealt with a personal bias which he has against white southerners.

When I appeared before his Senate subcommittee to testify on voting rights legislation, I had a distinct feeling that he was biased because of the region of the country I come from. But, leaving that aside, the Senator has gone too far when, after trying to personally destroy these two eminent jurists, he is quoted in an interview published in the Atlanta Journal Sunday as calling both Carswell and Haynsworth "three-legged dogs." I do not know what he means by "three-legged," but it is obvious that "dog" is meant to be derogatory. And he says:

If he [Nixon] sends another three-legged dog over here and expects us to confirm him just because he's from the North, then he's dead wrong.

I take violent exception to this vilification of these two southerners by the junior Senator, but it certainly gives a good insight into the character of the accuser. The quotation, in my judgment, reveals a strong personal bias of the junior Senator which can not be covered up by his trying to assert grounds of mediocrity or lack of qualification on behalf of the jurists, because the cold hard facts show that they were very well qualified. The junior Senator should apologize to these two men he has tried to destroy.

SUPREME COURT NOMINEES

(Mr. JACOBS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. JACOBS. Mr. Speaker, with reference to the remarks made about the junior Senator from my State, I shall not make the point of order about a derogatory reference to a Member of the other body. But I must say I have the highest regard for the junior Senator from Indiana and have sufficient knowledge to tell this House that he entered upon the confirmation hearings on both of these Supreme Court nominees with an open mind. His decision in both cases was based on the evidence which I assume was the situation with the Senators of the President's party to which the gentleman from Georgia belongs. As to "three-legged dogs" that is a Hoosier idiom clearly not to be taken literally.

I would just like to point out that the President claimed a few days ago that it is impossible to get a southerner confirmed in the U.S. Senate. Yet today, as I understand it, the President has nominated for Chairman of the Joint Chiefs of Staff a man from the South. So it might just be possible that the President was not entirely serious when he suggested that he really believed that a qualified jurist from the South could not be confirmed by the other body, particularly in view of the fact that most of the Senators of the President's own party who voted against the nominee about whom he complained—

Mr. THOMPSON of Georgia. Will the gentleman yield?

Mr. JACOBS. If I might finish the sentence—have stated publicly that indeed they would vote to confirm a qualified jurist from the South. I rather think it is possible to find a jurist from any part of the country, including the South, who does not have financial difficulties so far as conflicts or apparent conflicts with his decisions are concerned. I think it is possible to find a jurist from the South who perhaps would be completely candid at his own confirmation hearing and refrain from saying that he had not looked at important legal papers for the last 12 years when, in fact, he had examined them just the night before.

Now I yield to the gentleman.

Mr. THOMPSON of Georgia. I would like to point out that the derogatory comment which I referred to was made by the gentleman, the junior Senator from Indiana, in a quote, a newspaper article.

A "three-legged dog" is in fact a derogatory remark and is uncalled for. So I appreciate the gentleman not making a point of order on that.

Second, I would like to tell the gentleman this, that the President did not say that any southerner could not be confirmed. Obviously an extreme liberal would be confirmed but not a strict constructionist from the South.

Mr. JACOBS. Is the gentleman saying that the Joint Chiefs of Staff nominee is an extreme liberal?

Mr. THOMPSON of Georgia. Therefore, the President feels it is hard to change the philosophy and the point of

view of the Supreme Court without his going to another section of the country.

Mr. JACOBS. Is this admiral an extreme liberal? Will the gentleman answer that question? I did not think so.

The SPEAKER. The time of the gentleman has expired.

TAHLEQUAH BAND IN CHERRY BLOSSOM PARADE

(Mr. EDMONDSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EDMONDSON. Mr. Speaker, yesterday one of the finest high school bands in the Nation, from Tahlequah, Okla., gave a concert on the steps of the Capitol which was a credit to the youth of America. This fine Tahlequah High School band, which has won many awards in competition in the Southwest, was an official representative of the State of Oklahoma as a marching band in the Cherry Blossom Festival. Its fine performance in the parade and at the Capitol reflected, in my view, tremendous credit upon our State and upon the great people of Tahlequah. Ably directed by Kyle Dameron, the band was not only spirited and impressive in its musical performance, but also equally impressive in appearance and dignity. In short, these young people from the historic Cherokee national capital were ideal ambassadors of good will from Oklahoma, and they have brightened this week in Washington.

PERMISSION FOR SUBCOMMITTEE ON PUBLIC HEALTH AND WELFARE, COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE, TO SIT DURING GENERAL DEBATE TODAY

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the Subcommittee on Public Health and Welfare of the Committee on Interstate and Foreign Commerce may sit during general debate today.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

PROVIDING FOR CONCURRING IN SENATE AMENDMENTS TO HOUSE AMENDMENT TO S. 3690, FEDERAL EMPLOYEES SALARY INCREASES

Mr. O'NEILL of Massachusetts. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 909 and ask for its immediate consideration.

CALL OF THE HOUSE

Mr. HALL. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 74]

Annunzio	Gallagher	Ottinger
Ashley	Glaimo	Patman
Baring	Goldwater	Pepper
Blackburn	Griffiths	Pettis
Boggs	Halpern	Pike
Bolling	Hanley	Pollock
Brown, Calif.	Hanna	Powell
Burton, Utah	Heckler, Mass.	Rhodes
Cabell	Johnson, Pa.	Rogers, Colo.
Clark	Jones, Tenn.	St Germain
Clay	Karh	Schadeberg
Crane	Kirwan	Scherle
Culver	Lennon	Scheuer
Dawson	Long, La.	Schneebell
de la Garza	Lowenstein	Stuckey
Dellenback	Lukens	Symington
Diggs	McFall	Taft
Dowdy	Madden	Teague, Calif.
Feighan	Mailliard	Tunney
Flowers	Monagan	Watson
Frelinghuysen	Moorhead	White
Fulton, Pa.	Murphy, N.Y.	Wilson
Fulton, Tenn.	O'Hara	Charles H.

The SPEAKER pro tempore (Mr. BOLAND). On this rollcall 362 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

PROVIDING FOR CONCURRING IN SENATE AMENDMENTS TO HOUSE AMENDMENT TO S. 3690, FEDERAL EMPLOYEES SALARY INCREASES

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read the resolution as follows:

H. RES. 909

Resolved, That immediately upon the adoption of this resolution the bill (S. 3690) to increase the pay of Federal employees, with the Senate amendments to the House amendment thereto, be, and the same hereby is, taken from the Speaker's table, to the end that the Senate amendments to the House amendment be, and the same are hereby, agreed to.

The SPEAKER pro tempore. The gentleman from Massachusetts is recognized for 1 hour.

Mr. O'NEILL of Massachusetts. Mr. Speaker, I yield 30 minutes to the gentleman from California (Mr. SMITH), pending which I yield myself such time as I may consume.

Mr. Speaker, I am presenting the rule, House Resolution 909, on the bill S. 3690, which came back from the Senate with three technical amendments and a fourth amendment to correct an inadvertent omission from the bill with respect to the pay raise for the judges.

When I move the previous question on the resolution, if the previous question should be defeated then of course it would make it open to amendment and discussion, but it would delay the postal pay raise much longer than we had anticipated.

Mr. SMITH of California. Mr. Speaker, I yield myself such time as I may consume.

(Mr. SMITH of California asked and was given permission to revise and extend his remarks.)

Mr. SMITH of California. Mr. Speaker, House Resolution 909 provides that S. 3690 be taken from the Speaker's table and "that the Senate amendments to the

House amendment be, and the same are hereby, agreed to."

In other words, there is just 1 hour of debate, 30 minutes under the control of the gentleman from Massachusetts (Mr. O'NEILL) and 30 minutes on this side. There will not be any general debate after this period of 1 hour. We will then be voting it up or down.

So, if any Member wishes to be heard and to speak for or against the measure, I would suggest he ask me for some time out of the 30 minutes I have.

As stated by the distinguished gentleman from Massachusetts, there were four changes made in the Senate by amendment, and it was felt that in order to get this bill through and get it signed as quickly as possible, so that the second half of this so-called package can be presented—as I am informed, it cannot be presented until the first half is disposed of—this is the most feasible way in which to dispose of the matter.

The Committee on Rules time and time again has been asked to bail various situations out of difficulty, and this is one of them.

So, on the vote on House Resolution 909, if it is adopted, the Senate bill as amended by the House—and it is amended in four different places by the Senate—will be agreed to and will go to the President for immediate signature. I understand he has his pen in his hand and is ready to sign it as soon as it gets to him today. As a matter of fact, he wanted to sign it this morning.

Mr. Speaker, I urge the adoption of House Resolution 909, and reserve the balance of my time.

Mr. O'NEILL of Massachusetts. Mr. Speaker, I yield 5 minutes to the gentleman from Indiana (Mr. JACOBS).

Mr. JACOBS. Mr. Speaker, I am grateful to the gentleman from Massachusetts for yielding me this time.

Yesterday I objected to the unanimous-consent request for one reason and one reason only. That request was for the House to adopt an amendment to include congressional staff people, who do not need a pay raise in a general pay raise bill for postal and other employees who very badly do need a raise.

In extreme cases, which are quite numerous as a matter of fact, it would mean that the average pay raise for a postal worker would be about \$400 a year and the pay raise for certain congressional staff employees would be \$2,000 a year. In the one case the need is quite clear; in the other case the lack of need is equally clear. As a matter of fact, you might even say that in the case of a \$30,000 congressional employee, he is becoming an easy rider, a very easy rider, because for \$2,000 you can buy an automobile. Whether you call yourself a conservative or call yourself an idealist, you speak in terms of the taxpayers' money and you speak in terms of priorities and you speak in terms of sacrifices for your country. Here is an opportunity to get specific on the subject.

Once a Socialist, trying to sell his program, told his neighbor that socialism was Utopia and he would be willing to make whatever sacrifices were necessary

to bring about socialism and a Utopian society. His neighbor said, "You mean to tell me that if you had two saddle horses, you would give me one?" He said, "Certainly." The neighbor said, "Do you mean to tell me if you had two goats, you would give me one of them?" He said, "I certainly would." The neighbor said, "Do you mean to tell me if you had two milk cows, you would give me one of them?" The Socialist said, "Now, you know I have two milk cows."

Mr. Speaker, this comes right down to where we live. I think for well-paid people to catch a ride on the very legitimate needs of certain Federal workers around the country is not right. Only last June \$8,000 was added to every House Member's clerk hire, which he could use for pay raises. Under these circumstances, I believe that in order to keep faith with our rhetoric and our speeches that we should vote down the previous question and excise the Capitol Hill easy riding stowaway provision in this bill, which is intended for mailmen, and get the people, who for the most part are already doing well, off the backs of these postmen.

The gentleman from Arizona has said, I believe, that he plans legislation affecting the entire pay situation of Capitol Hill employees.

I say let us await that reform, and then if there is any case of hardship on Capitol Hill, take care of it under those circumstances.

Mr. Speaker, I express my gratitude again to the gentleman from Massachusetts for yielding to me this time.

Mr. ANDERSON of California. Mr. Speaker, will the gentleman yield?

Mr. JACOBS. I yield to the gentleman from California.

(Mr. ANDERSON of California asked and was given permission to revise and extend his remarks.)

Mr. ANDERSON of California. Mr. Speaker, I would like to commend the gentleman from Indiana (Mr. JACOBS) and associate myself with his remarks.

A "no" vote on the previous question would open this resolution to amendment and further debate. As it currently stands, the resolution simply states that the House shall consider only agreeing to the Senate amendments to this innocuous bill.

I shall vote no on the previous question so that we may first, amend the resolution, and second, discuss the bill and attempt to remove its more inequitable provisions.

Mr. Speaker, I have never seen a more irresponsible proposal than the package deal which was rammed down our throats last week.

Under the guise of giving the postal employees a pay raise, we find ourselves increasing salaries of practically everyone by 6 percent.

The postal employees, who were almost forced to strike in order to bring attention to their plight, desperately need a pay raise and the House recognized this last year when we passed the Federal Pay Comparability Act. This was the bill which was labeled "inflationary" by the administration, and it would have cost approximately \$600 million a year.

Now the administration does a complete about face and advocates a package that will cost \$2½ billion. If \$600 million is labeled "inflationary," what is \$2½ billion going to do to our economy?

We were led to believe over the Easter recess that the administration was working out a compromise package with representatives of the postal employees.

I wonder if the protesting post office employee knew that the package he was advocating was really a pay raise for the upper brackets—that where the \$6,176 postal employee will now receive a raise of \$372, the \$30,000-a-year employee will receive an additional \$1,800 a year.

We were told last Thursday that we must have a closed rule—that we could not debate or amend the bill—because of a feared renewal of the strike.

And yet, here we are today—voting on the same issue. This time to concur with Senate amendments.

And, the sad part of it is—we probably will have to vote for this package whether we like it or not, if we are to get the deserving postal employees a raise.

Mr. SMITH of California. Mr. Speaker, I yield 5 minutes to the gentleman from Iowa (Mr. GROSS).

(Mr. GROSS asked and was given permission to revise and extend his remarks.)

Mr. GROSS. Mr. Speaker, I take this time, first of all, to ask the gentleman from Arizona (Mr. UDALL) if the amendments are as he stated them yesterday, first, at line 21 on page 2 of the bill, a technical amendment. Is that the first amendment?

Mr. UDALL. Mr. Speaker, if the gentleman will yield, the gentleman is correct. That is the first amendment.

Mr. GROSS. Then, on line 10, page 3, that is one of the key amendments?

Mr. UDALL. This is the one to which the gentleman from Indiana (Mr. JACOBS) has made some reference, and toward which he has been directing his efforts.

Mr. GROSS. Without this amendment, the legislative employees would not receive an increase?

Mr. UDALL. This is arguable, but that argument can be made.

Mr. GROSS. Then, on page 5, line 19, is the third amendment?

Mr. UDALL. The gentleman is correct.

Mr. GROSS. Are there any other amendments?

Mr. UDALL. Yes. There is a technical amendment on page 3, line 16. The Senate asked to designate the officer to make adjustment for Senate employees changed from Comptroller of the Senate, which is the present language, to President pro tempore of the Senate, which is their preference.

Mr. GROSS. There is no amendment to line 18 of the bill?

Mr. UDALL. No.

Mr. GROSS. I would like to ask the gentleman why there is no amendment. Who is the finance clerk of the House of Representatives?

Mr. UDALL. If the gentleman will yield further, some question was raised about this yesterday in the colloquy that occurred, and I then inserted into the RECORD some legislative history with ref-

erence to this debate. To be very precise, there is no position called finance clerk of the House, as the gentleman points out. The functions to be carried out under this bill are to be handled by the Clerk of the House, who is the financial clerk of this body. I attempted to make that clear in the colloquy yesterday. However, this terminology has been used in legislation previously, but is not very precise and probably should not have been used.

Mr. GROSS. As the gentleman knows, this bill was passed through the House Post Office and Civil Service Committee in 35 minutes, with no one having had the opportunity, other than the gentleman from Arizona and, perhaps, one or two others, of even seeing the bill before it came before the committee.

Let me ask the gentleman why this responsibility should not devolve upon the Speaker of the House rather than an unknown finance clerk. I have looked up the record, and there is no such thing as a finance clerk in the House of Representatives.

Mr. UDALL. I am to blame as the author of the bill, if there is any blame. It seems to me this is a ministerial duty. It simply requires going to the pay tables of the general schedule pay system and adjusting the base pay schedule of the House. In my opinion this is not something which the Speaker should be burdened with. This is simply an automatic equivalent pay raise.

Mr. GROSS. Here, again, is the proof of what the ramrodding of legislation will do. This bill, in my opinion, is still an unsound bill if it is proposed to live up to the letter of the law. This is the penalty for calling up a bill in the committee at 10:05 in the morning, ramming it out of committee at 10:40, bringing it before the Rules Committee at 11 o'clock, or thereabouts, and out to the floor of the House, and passing it that afternoon.

The defects that are sought to be remedied today are the products of this almost hysterical haste. The legislation ought not to have been passed last week on any such basis.

Moreover, I would like to have had the opportunity to offer an amendment to this bill. Since the administration and union leaders, in their so-called negotiations at the other end of Pennsylvania Avenue agreed that another 8 percent increase should be approved for postal employees, I see no reason why there should not have been in this bill the 6-percent increase, plus an 8-percent increase effective as of next July first instead of using the 8 percent as the club to try to drive through a corporation plan for reorganization of the Post Office Department. It was important that the pay increase bill be brought to the floor of the House under an open rule so that amendments could be offered to it. But as the Members well know, it came to the House floor under a closed rule under which we could not work our will. I protested then and I am still protesting.

Mr. UDALL. Mr. Speaker, will the gentleman yield?

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. GROSS. Mr. Speaker, will the gen-

tleman yield me 2 additional minutes?

Mr. SMITH of California. Mr. Speaker, I will yield 3 additional minutes to the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, I thank the gentleman from California for yielding me the additional time.

Mr. HALL. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Missouri first, and then to the gentleman from Arizona.

Mr. HALL. Mr. Speaker, I appreciate the statement of the gentleman about the poor practice of writing legislation on the floor, which is exactly what we are doing. Indeed, we are probably correcting hastily written and erroneous legislation on the floor. But I am confused.

Now, the gentleman's committee did bring this out, and as I understand the Senate amendments as explained here in the colloquy today and, indeed, I read in detail, word for word, the explanation of the amendments as the result of the colloquy yesterday on the objections of the gentleman from Indiana; but, basically, what we are doing in addition to technical correction, if we accept the Senate amendments to our own H.R. 16844? Are we making the overall applicability of section 3 therein refer back to those included in section 2? Is that a fair statement of what we gain by accepting the Senate amendments?

Mr. GROSS. Yes; that is one of the Senate amendments, and that is one of the key amendments. It is referring language in section 3 back to section 2. It has to be that way, or legislative employees are written out as far as a pay increase is concerned.

Mr. HALL. I understand that is subject to interpretation, Mr. Speaker. I respect the gentleman's opinion. But my question then remains, for whom are we increasing the pay, if we accept the Senate amendments, and if section 3 is made to cover all those in section 2?

Mr. GROSS. For legislative employees.

Mr. HALL. All legislative employees?

Mr. GROSS. I beg your pardon?

Mr. HALL. All legislative Employees? All of those under the Secretary of Agriculture, all of those under the Comptroller, all of those under the Architect, all of the other three categories that were originally vamped into this pay raise in addition to postal employees, plus those exempted at generally over \$36,000 per year income?

Mr. GROSS. Those are included. There are a few others. This would not apply to class act employees, or to postal workers. Unless this amendment is adopted legislative employees are out.

Mr. HALL. Mr. Speaker, I thank the gentleman for yielding. I think we simply should know what we are voting for. And probably the suggestion that we should vote down the previous question is a good one in order to perfect the legislation. I for one, am for the postal basic pay raise of 6 percent to the deserving—excluding illegal strikes, but not across the board—especially the overpaid congressional legislative employees.

Mr. GROSS. Mr. Speaker, I now yield to the gentleman from Arizona.

Mr. UDALL. Mr. Speaker, did not the

gentleman—and I regret the closed rule, and I regret we did not have more time for amendments in committee. I never like to run over my friend from Iowa without at least smiling and giving the gentleman time to offer amendments—but did not the gentleman offer an amendment in committee, and have it defeated, to take out the legislative employees?

Mr. GROSS. To take out the legislative employees?

Mr. UDALL. Yes; from the pay raise?

Mr. GROSS. Yes; the gentleman certainly did.

Mr. UDALL. Was it not the gentleman's understanding in the Committee on Rules and during the debate on the House floor that the legislative employees were included?

Mr. GROSS. I did not know this defective language was in the bill, of course, when the bill was before the committee.

Mr. UDALL. The gentleman will agree—

Mr. GROSS. There was no opportunity to look at the bill.

Mr. UDALL. The gentleman will have to agree that the clear intent of what we all thought in the committee, and what we approved on the floor, was to include legislative employees.

Mr. GROSS. There is no question but what that was the intent of the committee, and the intent of the House. There is no question about that, but what I am saying is that the bill, calling for an annual expenditure of more than \$2.6 billion was jammed through the House in a most unusual and irresponsible procedure.

Under the circumstances I must oppose this resolution.

Mr. SMITH of California. Mr. Speaker, I yield 4 minutes to the gentleman from Ohio (Mr. AYRES).

Mr. AYRES. Mr. Speaker, I take this time to inquire of the gentleman from Arizona regarding the bill that I introduced which was termed the postal pay equalization bill which would provide a higher pay scale for postal workers living in high-cost-of-living areas. I would like to ask the gentleman from Arizona if in his judgment—and I realize how close he is to this overall problem—whether there is any possibility of ever bringing about an equality in pay for those postal workers who reside in these high-cost-of-living areas.

Now, we know that the strike was brought on not by the rural carriers, not by those who are going to be getting big increases under this bill, because, frankly, many of them have the best jobs in the communities. The strike was brought on by those people in the high-cost-of-living areas, including my own city of Akron, who under any bill that we pass will still be much lower on any pay scale than these rural carriers.

Do we stand any chance of ever getting this equalization in pay?

Mr. UDALL. Mr. Speaker, will the gentleman yield?

Mr. AYRES. I yield to the gentleman.

Mr. UDALL. I think we stand an excellent chance this year of finally doing something in this field.

Let me make clear why we are here

today. This is the first slice. This is the 6-percent across-the-board pay for everyone. The additional 8 percent is tied in to the agreement made apparently downtown which is connected with the postal reform.

I envision the day in the next 6 weeks, and I hope sooner, when this House at long last is going to have a chance to debate major postal reforms. When that debate occurs I believe the House will have a chance to act on the question that the gentleman has raised.

My personal inclination is in favor of some such action, and I have talked to many Members who believe that this ought to be done. And I honestly believe that within the next month or 6 weeks we are going to have a chance in connection with postal reform to actually vote and make a judgment on this question.

Mr. AYRES. I thank the gentleman. In my judgment we are not going to have any real harmony in the post offices in the city areas until those workers are getting compensation high enough which will give them the means and the opportunity to maintain the same standard of living as those on the same scale and the same grade in the rural areas are getting.

I appreciate the gentleman's interest and know that he will do his best.

Mr. UDALL. Mr. Speaker, will the gentleman yield further?

Mr. AYRES. I yield to the gentleman.

Mr. UDALL. There is some indication from our committee's action on the administration postal reform bill reported out last month. That bill did include a provision which would let the postal organizations bargain with management and bargain on such things as wages and fringe benefits and other things. And one of the things they could bargain for would be an area wage. I would anticipate if that bill were to pass, that is exactly what they would do.

Mr. COLLIER. Mr. Speaker, will the gentleman yield?

Mr. AYRES. I yield to the gentleman from Illinois.

Mr. COLLIER. As I recall, in the 85th Congress, back in 1957, and in the 86th Congress in 1959, there were cost-of-living escalator postal pay bills introduced. However, at no time, if my memory serves me correctly, had there even been hearings on this type of pay structure in the Post Office and Civil Service Committee.

Mr. UDALL. Mr. Speaker, will the gentleman yield?

Mr. AYRES. I yield to the gentleman.

Mr. UDALL. One of the problems has been, very frankly, the major postal unions have been completely opposed to anything of this kind. From the standpoint of their union organization, and and solidarity they have usually demanded that every letter carrier in the country get the same pay. This is the existing situation, but I think the employee organizations are beginning to see the need for going to an area wage system.

Mr. COLLIER. Who is running the committee—the postal unions—or do I misunderstand?

Mr. UDALL. No. The gentleman may

have his opinion, but Congress has been making the final decisions.

Mr. COLLIER. Even that has not bothered me one way or the other.

Mr. UDALL. It has not bothered me. But the fact is that a majority of the Members of the House have not been willing to force this kind of system down the throats of the employee organization when they were strongly opposed. That is the point.

Mr. AYRES. Am I correct, may I ask the gentleman from Arizona, if my memory does not fail me, I believe President Rademacher made the suggestion that perhaps the equalization pay would be advisable.

Mr. UDALL. Recently, I believe, he has been talking about the need for an area wage. I believe he has shown real initiative and courage in a very difficult situation. He may have hurt himself among some of his union's membership, but I credit him with the vision and courage to look at this thing and to say that there may be a better way of setting postal salaries. To this point the unions have engaged in annual "collective begging" before the Congress. Mr. Rademacher wants to move and I want to move to a system where postal employees have true collective bargaining.

Mr. AYRES. I hope that these postal workers, I say to the gentleman from Arizona, who comprise a sizable number of the total work force will see the fallacy in going along with any suggestion that they not be compensated more than their fellow workers in other areas. Does the gentleman have any figures available to show what differential there is between the rural carrier in Southern Ohio and the carrier who has the same classification working in the City of Cleveland?

Mr. UDALL. Of course, now they receive identical pay. In terms of the cost-of-living, I am sure there are substantial differences in small communities in Southern Arizona and elsewhere. A man making \$7,000 in a small community in Southern Arizona may be middle-class, but a man in New York with the same family and the same salary may be drawing welfare. That is the problem we have to reach.

Mr. AYRES. The difficulty in determining high cost-of-living areas is not so difficult that procedures could not be applied to postal workers the same as to other workers.

Mr. UDALL. I think we can resolve this question, and the best way to resolve it is through collective bargaining. Under the postal reform that I favor, management and the unions, instead of coming to Congress every year for "collective begging," could undertake collective bargaining. They could sit down and determine what would be fair in the high-cost-of-living areas, such as Cleveland and New York, and what would be fair in small communities.

Mr. AYRES. I suggest to the gentleman that when you do this, you will not forget Akron.

Mr. UDALL. We shan't. No red-blooded American could possibly forget Akron—or the Member who represents it.

Mr. SMITH of California. Mr. Speaker, I yield 3 minutes to the gentleman from Iowa (Mr. MAYNE).

Mr. MAYNE. Mr. Speaker, I wish to commend the gentleman from Indiana (Mr. JACOBS) and the gentleman from Iowa (Mr. GROSS) on their very fine statements, and to join them in their opposition to the adoption of this rule. I think it has been clearly established that the postal workers in this country are indeed entitled to the 6-percent increase. But in view of the longstanding commitments of many Members of this House trying to do something tangible and effective to combat inflation, it is entirely indefensible to add more than \$2 billion annually to other Federal payrolls. It is really a case of great overkill. I, therefore, urge my colleagues to vote against the previous question.

Mr. O'NEILL of Massachusetts. Mr. Speaker, I yield 2 minutes to the gentleman from Arizona.

Mr. UDALL. Mr. Speaker, I would like to try to clarify two things before we conclude the debate. The reason for the 6-percent across-the-board increase, which the administration has very strongly supported, is that no one wanted to be put in the position of rewarding those who struck and not rewarding the hundreds of thousands of Federal workers who did not strike. So the administration was quite insistent that this first slice, this 6 percent, this no-strings-attached pay installment be Government-wide. It would go to the postal workers who did not strike, to the classified workers, and to the people in the other branches of Government. That is the reason why we have the 6-percent increase.

I hope we understand what we shall be doing if we vote down the previous question, and I hope you understand very clearly the stake that the employee organizations and all of us have in this vote. We are not out of the woods yet. We have a tense situation. Some of the New York Members who have been home will tell you that this thing can erupt again. Congress has been making promises to act on pay for the last 18 months. All the postal workers have had is promises. This bill can be on the President's desk tonight if we vote down the previous question and adopt the resolution. However, if the previous question is beaten down and we get into offering amendments and modification, the only thing that will result is a conference. We shall have to go to conference with the Senate. The majority of the Senate and the majority of the House clearly want to put the legislative employees into this bill. You may get some votes against it, but clearly this is the intent of the committee, it is the intent of the House, and it is the intent of the Senate.

All you are going to do is to delay retroactive pay which the postal employees are counting on. You are going to cause dismay and confusion. You are going to upset a very delicate situation for nothing by going to conference and having a vote some day on whether legislative employees shall be included, when we all know now that they are going to be included. So you will have your postal employees and the major postal organizations in an extremely difficult position if you vote down the

previous question. Let us understand exactly what is involved.

The SPEAKER pro tempore. The time of the gentleman from Arizona has expired.

Mr. O'NEILL of Massachusetts. Mr. Speaker, I yield 2 additional minutes to the gentleman from Arizona (Mr. UDALL).

Mr. JACOBS. Mr. Speaker, will the gentleman yield?

Mr. UDALL. I yield to the gentleman from Indiana.

Mr. JACOBS. Mr. Speaker, would the gentleman not agree that it would take only a very short period of time to delete the employees of the legislative branch?

Mr. UDALL. Why, of course, we could adopt an amendment this afternoon to delete them, but the Senate will not accept it, and we will have delay day after day, and we will have to go to conference, and then the Senate is not going to accept it anyway.

I share in many of the things the gentleman has said about the legislative employees. I would advise the gentleman there will probably be a general salary bill out of our Compensation Subcommittee later this year. I intend to see if this year, in that bill, we can adopt some major structural changes in pay of House employees. I am going to try to make sure that never again, when we have a general pay raise, will we have such a situation, as in this bill. I hope to provide that granting of such increases will be up to each Member in each case. I intend simply to have it so we can give each Member an amount which he can then spread to his employees just as he wishes. But we can do this later this year. I urge that you do not attempt to saddle this delicate, dangerous situation with such an arrangement.

The vote should be aye on ordering the previous question, or we will cause a very disastrous situation to occur.

Mr. JACOBS. Mr. Speaker, if the gentleman will yield further, any legislation the gentleman brings up later will not do anything about any unjust enrichment for already highly paid people that occurs from this action if we take it today.

Mr. UDALL. The gentleman is correct.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. UDALL. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, I must say to my friend, the gentleman from Arizona, that I am indeed surprised to hear him say this 6-percent increase is going to some employees who did not strike, apparently as a reward for not striking. Is Congress approving legislation based on merit, or is it to reward people for not striking?

Mr. UDALL. No, but a majority of the people of this country think the postal workers are underpaid, and I think the majority of the people of this country and of this Congress think we ought not to give a raise only to those who struck, but that any cost-of-living pay raise such as this should go across the board to every Federal employee and not just to those who left their jobs.

Mr. Speaker, I urge a vote of aye.

(Mr. UDALL asked and was given permission to revise and extend his remarks.)

Mr. BURTON of Utah. Mr. Speaker, I support House Resolution 909. I hope today it will speedily be adopted by the House so that the much-needed salary raises for postal and Federal employees can be enacted without further delay and the President may have the opportunity, this very afternoon, to enact into law this legislation.

Mr. O'NEILL of Massachusetts. Mr. Speaker, I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken, and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. JACOBS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. The Chair will count.

One hundred fifty-three Members are present, not a quorum.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 309, nays 65, not voting 56, as follows:

[Roll No. 75]

YEAS—309

Abbt	Clark	Gilbert
Abernethy	Clawson, Del	Gonzalez
Adams	Clay	Goodling
Addabbo	Cleveland	Gray
Albert	Coheian	Green, Oreg.
Alexander	Colmer	Green, Pa.
Anderson, Ill.	Conyers	Griffin
Anderson, Tenn.	Corbett	Grover
Andrews, Ala.	Corman	Gubser
Andrews, N. Dak.	Coughlin	Haley
Arend	Cowger	Hamilton
Aspinall	Cramer	Hanley
Ayres	Culver	Hansen, Idaho
Baring	Cunningham	Harrington
Barrett	Daddario	Harsha
Beall, Md.	Daniel, Va.	Harvey
Bell, Calif.	Daniels, N.J.	Hastings
Bevill	Davis, Ga.	Hathaway
Biaggi	Davis, Wis.	Hawkins
Bingham	Delaney	Hébert
Blanton	Deilenback	Hechler, W. Va.
Blatnik	Denney	Helstoski
Boland	Dent	Henderson
Bow	Dingell	Hicks
Brademas	Donohue	Hogan
Brasco	Dorn	Holifield
Brock	Downing	Horton
Brooks	Dulski	Hosmer
Broomfield	Duncan	Howard
Brotzman	Dwyer	Hull
Brown, Mich.	Eckhardt	Hungate
Brown, Ohio	Edmondson	Hunt
Broyhill, N.C.	Edwards, Ala.	Ichord
Broyhill, Va.	Edwards, Calif.	Jarman
Buchanan	Edwards, La.	Johnson, Calif.
Burke, Fla.	Eilberg	Jonas
Burke, Mass.	Eshleman	Jones, Ala.
Burlison, Tex.	Evins, Tenn.	Jones, N.C.
Burton, Calif.	Fallon	Jones, Tenn.
Bush	Farbstein	Karth
Button	Fascell	Kastenmeier
Byrne, Pa.	Flood	Kazen
Byrnes, Wis.	Foley	Kee
Caffery	Ford, Gerald R.	King
Carey	Ford, William D.	Kleppe
Carter	Fraser	Kluczynski
Casey	Frey	Koch
Cederberg	Friedel	Kuykendall
Celler	Fulton, Tenn.	Kyros
Chamberlain	Fuqua	Landrum
Chappell	Gallianakis	Leggett
Chisholm	Gallagher	Lloyd
Clausen	Garmatz	Long, Md.
Don H.	Gardos	McCarthy
	Gibbons	McCloskey
		McClure

McCulloch
McDade
McDonald,
Mich.
McEwen
McFall
McKneally
McMillan
Macdonald,
Mass.
Mahon
Mailliard
Mann
Marsh
Mathias
Matsunaga
May
Meeds
Meicher
Meskill
Mikva
Miller, Calif.
Mills
Minish
Mink
Minshall
Mize
Mizell
Mollohan
Monagan
Montgomery
Morgan
Morse
Morton
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nedzi
Nichols
Nix
O'Hara
Olsen
O'Neill, Mass.
Passman
Patten
Perkins

Pettis
Philbin
Pickle
Pirnie
Podell
Poff
Preyer, N.C.
Price, Ill.
Pucinski
Purcell
Quillen
Randall
Reid, Ill.
Reid, N.Y.
Reifel
Riegle
Rivers
Roberts
Robison
Rodino
Roe
Rogers, Colo.
Rogers, Fla.
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Rostenkowski
Roybal
Ruppe
Ryan
St Germain
St. Onge
Sandman
Satterfield
Saylor
Scherle
Scott
Shipley
Shriver
Sikes
Sisk
Skubitz
Nix
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Snyder
Springer
Stafford

Staggers
Stanton
Steed
Steiger, Ariz.
Steiger, Wis.
Stokes
Stratton
Stubblefield
Sullivan
Taft
Talcott
Taylor
Teague, Tex.
Thompson, Ga.
Thompson, N.J.
Thomson, Wis.
Tiernan
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Vigorito
Waggonner
Waldie
Wampler
Watkins
Watts
Weicker
Whalen
Whalley
Whitehurst
Whitten
Widnall
Wiggins
Williams
Wilson, Bob
Winn
Wold
Wolf
Wright
Wyatt
Wyder
Wyllie
Wyman
Yatron
Young
Zablocki
Zwach

NAYS—65

Anderson, Calif.
Ashbrook
Belcher
Bennett
Berry
Betts
Biester
Bray
Brinkley
Camp
Clancy
Collier
Collins
Conable
Conte
Dennis
Derwinski
Devine
Dickinson
Erlenborn
Esch
Evans, Colo.

Findley
Fish
Fisher
Flynt
Foreman
Fountain
Gross
Gude
Hagan
Hall
Hammer-
schmidt
Hutchinson
Jacobs
Kyl
Landgrebe
Langen
Latta
Lujan
McClory
MacGregor
Martin
Mayne

Michel
Miller, Ohio
Nelsen
Obey
O'Konski
Pelly
Pike
Poage
Price, Tex.
Pryor, Ark.
Quie
Rallsback
Rarick
Reuss
Roth
Roudebush
Ruth
Schwengel
Sebelius
Yates
Zion

NOT VOTING—56

Adair
Annunzio
Ashley
Blackburn
Boggs
Bolling
Brown, Calif.
Burlison, Mo.
Burton, Utah
Cabell
Crane
Dawson
de la Garza
Diggs
Dowdy
Feighan
Flowers
Frelinghuysen
Fulton, Pa.

Gettys
Glaimo
Goldwater
Griffiths
Halpern
Hanna
Hansen, Wash.
Hays
Heckler, Mass.
Johnson, Pa.
Keith
Kirwan
Lennon
Long, La.
Lowenstein
Lukens
Madden
Moorhead
O'Neal, Ga.

Ottenger
Patman
Pepper
Pollock
Powell
Rees
Rhodes
Schadeberg
Scheuer
Schneebeli
Stephens
Stuckey
Symington
Teague, Calif.
Tunney
Watson
White
Wilson,
Charles H.

So the previous question was ordered.
The Clerk announced the following pairs:

Mr. Annunzio with Mr. Frelinghuysen.
Mr. Boggs with Mr. Rhodes of Arizona.
Mr. White with Mr. Schadeberg.

Mr. Lennon with Mr. Crane.
Mr. Burlison of Missouri with Mr. Pollock.
Mr. Feighan with Mr. Keith.
Mr. Glaimo with Mr. Fulton of Pennsylvania.
Mr. Hays with Mr. Adair.
Mr. Pepper with Mr. Burton of Utah.
Mr. Patman with Mr. Schneebeli.
Mr. O'Neal of Georgia with Mr. Goldwater.
Mr. Ottinger with Mr. Halpern.
Mr. Madden with Mr. Long of Louisiana.
Mr. Charles H. Wilson with Mr. Teague of California.
Mr. Gettys with Mr. Johnson of Pennsylvania.
Mr. Hanna with Mr. Symington.
Mr. Dowdy with Mr. Kirwan.
Mr. Ashley with Mr. Lukens.
Mr. Stephens with Mr. Watson.
Mrs. Hansen of Washington with Mrs. Heckler of Massachusetts.
Mr. Cabell with Mrs. Griffiths of Michigan.
Mr. Stuckey with Mr. Blackburn.
Mr. Tunney with Mr. de la Garza.
Mr. Lowenstein with Mr. Diggs.
Mr. Brown of California with Mr. Powell.
Mr. Moorhead with Mr. Flowers.
Mr. Rees with Mr. Dawson.

Mr. BEVILL and Mr. HUNT changed their votes from "nay" to "yea."

Mr. FOREMAN and Mr. ROTH changed their votes from "yea" to "nay."

The result of the vote was announced as above recorded.

The doors were opened.

The SPEAKER pro tempore. The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. SMITH of California. Mr. Speaker, I ask unanimous consent that all Members desiring to do so may extend their remarks in the RECORD on the resolution just passed (H. Res. 909), due to the fact that time was so limited.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

OFFICE OF EDUCATION APPROPRIATIONS, 1971

Mr. FLOOD. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 16916) making appropriations for the Office of Education for the fiscal year ending June 30, 1971, and for other purposes; and pending that motion, Mr. Speaker, I ask unanimous consent that general debate continue not to exceed 1½ hours, the time to be equally divided and controlled by the gentleman from Illinois (Mr. MICHEL) and myself.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The SPEAKER. The question is on the motion offered by the gentleman from Pennsylvania.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the con-



Public Law 91-231
91st Congress, S. 3690
April 15, 1970

An Act

To increase the pay of Federal employees.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Federal Employees Salary Act of 1970".

SEC. 2. (a) (1) The President shall increase the rates of basic pay, basic compensation, and salaries (as such rates were increased by Executive Order Numbered 11474, dated June 16, 1969) contained in the schedules listed in paragraph (2) of this subsection by amounts equal, as nearly as may be practicable and with regard to maintaining approximately equal increments within any grade, level, or class of any such schedule, to 6 percent.

(2) The schedules referred to in paragraph (1) of this subsection are as follows: the General Schedule contained in section 5332(a) of title 5, United States Code; the Postal Field Service Schedule and the Rural Carrier Schedule contained in sections 3542(a) and 3543(a), respectively, of title 39, United States Code; the schedules relating to certain positions within the Department of Medicine and Surgery of the Veterans' Administration and contained in section 4107 of title 38, United States Code; and the Foreign Service schedules contained in sections 412 and 415 of the Foreign Service Act of 1946.

(b) Rates of basic pay, basic compensation, and salaries of officers and employees paid under the schedules referred to in subsection (a) of this section shall be increased initially under conversion rules prescribed by the President or by such agency as the President may designate.

(c) The increases made by the President under this section shall have the force and effect of law and shall be printed in (1) the Statutes at Large in the same volume as public laws, (2) the Federal Register, and (3) the Code of Federal Regulations.

SEC. 3. (a) The rates of pay of personnel subject to sections 210 and 214 of the Federal Salary Act of 1967 (81 Stat. 633, 635; Public Law 90-206), relating to Agricultural Stabilization and Conservation County Committee employees and to certain employees of the legislative branch of the Government, respectively, and any minimum or maximum rate, limitation, or allowance applicable to any such personnel, shall be adjusted, effective on the first day of the first pay period which begins on or after December 27, 1969, by amounts which are identical, insofar as practicable, to the amounts of the adjustments under section 2 of this Act for corresponding rates of pay for employees subject to the General Schedule, by the following authorities—

(1) the Secretary of Agriculture, with respect to individuals employed by the county committees established under section 590h(b) of title 16;

(2) the President pro tempore of the Senate, with respect to the United States Senate;

(3) the Finance Clerk of the House of Representatives, with respect to the United States House of Representatives; and

(4) the Architect of the Capitol, with respect to the Office of the Architect of the Capitol.

The provisions of this section shall not be construed to allow adjustments in the rates of pay of the following officers of the United States House of Representatives: Parliamentarian, Chaplain, Clerk, Sergeant at Arms, Doorkeeper, Postmaster, and the four Floor Assistants to the Minority whose position titles formerly were Minority Clerk, Minority Sergeant at Arms, Minority Doorkeeper, and Minority Postmaster.

Federal Employees Salary Act of 1970.

34 F.R. 9605.
5 USC 5332 note.
84 STAT. 195
84 STAT. 196

22 USC 867, 870.
Pay increases
by conversion.

Publication in
Statutes at
Large, Federal
Register, Code
of Federal Reg-
ulations.
ASCS county
committee em-
ployees.
Legislative
branch employ-
ees.
16 USC 590h
note.
2 USC 60e-14
and note.

52 Stat. 31;
81 Stat. 633.

Exceptions.

Judicial
branch em-
ployees.

Secretaries
and law
clerks.

84 STAT. 196
84 STAT. 197

U.S. attor-
neys and as-
sistant U.S.
attorneys.
80 Stat. 618;
81 Stat. 633.

Salaries
fixed by ad-
ministrative
action.
Federal and
D.C. govern-
ment employ-
ees.

80 Stat. 469.
76 Stat. 854.

34 F.R. 2242.

Retroactive
pay.

(b) Notwithstanding section 665 of title 31, the rates of pay of employees in and under the judicial branch of the Government, whose rates of pay are fixed by administrative action pursuant to law and are not otherwise adjusted under this section may be adjusted, effective on the first day of the first pay period which begins on or after December 27, 1969, by amounts not to exceed the amounts of the adjustments under section 2(a) of this Act for corresponding rates of pay. The limitations fixed by law with respect to the aggregate salaries payable to secretaries and law clerks of circuit and district judges shall be adjusted, effective on the first day of the first pay period which begins on or after the date on which adjustments become effective under this section, by amounts not to exceed the amounts of the adjustments under this section for corresponding rates of pay.

(c) The rates of pay of United States attorneys and assistant United States attorneys whose annual salaries are fixed pursuant to section 548 of title 28, United States Code, shall be increased, effective on the first day of the first pay period which begins on or after December 27, 1969, by amounts equal, as nearly as may be practicable, to the increases provided pursuant to section 2 of this Act for corresponding rates of pay.

(d) Notwithstanding section 665 of title 31, the rates of pay of employees of the Federal Government and of the government of the District of Columbia whose rates of pay are fixed by administrative action pursuant to law and are not otherwise increased pursuant to this section are hereby authorized to be increased, effective on the first day of the first pay period which begins on or after December 27, 1969, by amounts not to exceed the increases provided pursuant to section 2 of this Act for corresponding rates of pay in the appropriate schedule or scale of pay.

SEC. 4. (a) An increase in pay, compensation, or salary which becomes effective under section 2 of this Act is not an equivalent increase in pay within the meaning of section 5335 of title 5, United States Code, or section 3552 of title 39, United States Code.

(b) Nothing in this Act shall impair any authority pursuant to which rates of pay, compensation, or salary may be fixed by administrative action.

(c) Notwithstanding any provisions other than section 6 of this Act—

(1) any officer or employee of the United States Government receiving pay, compensation, or salary which is less than the basic pay for level V of the Executive Schedule in section 5316 of title 5, United States Code, in effect on the date of enactment of this Act, shall not have his pay, compensation, or salary increased, by reason of the enactment of this Act, to a rate in excess of the basic pay for such level V; and

(2) any officer or employee of the United States Government receiving pay, compensation, or salary equal to or in excess of the basic pay for such level V shall not have his pay, compensation, or salary increased.

SEC. 5. (a) Retroactive pay, compensation, or salary shall be paid by reason of this Act only in the case of an individual in the service of the United States (including service in the Armed Forces of the United States) or the municipal government of the District of Columbia on the date of enactment of this Act, except that such retroactive pay, compensation, or salary shall be paid—

(1) to an officer or employee who retired, during the period beginning on the first day of the first pay period which began on or after December 27, 1969, and ending on the date of enactment of this Act, for services rendered during such period; and

(2) in accordance with subchapter VIII of chapter 55 of title 5, United States Code, relating to settlement of accounts, for services rendered, during the period beginning on the first day of the first pay period which began on or after December 27, 1969, and ending on the date of enactment of this Act, by an officer or employee who died during such period. 80 Stat. 495.

Such retroactive pay, compensation, or salary shall not be considered as basic pay for the purposes of subchapter III of chapter 83 of title 5, United States Code, relating to civil service retirement, or any other retirement law or retirement system, in the case of any such retired or deceased officer or employee. 80 Stat. 564;
83 Stat. 136.

(b) For the purposes of this section, service in the Armed Forces of the United States, in the case of an individual relieved from training and service in the Armed Forces of the United States or discharged from hospitalization following such training and service, shall include the period provided by law for the mandatory restoration of such individual to a position in or under the United States Government or the municipal government of the District of Columbia. 84 STAT. 197
84 STAT. 198

SEC. 6. (a) Section 11-702(d) of the District of Columbia Code is amended by striking out "\$29,000" and "\$28,500" and inserting in lieu thereof "\$36,500" and "\$36,000", respectively. D.C. judges.
82 Stat. 1119.

(b) Section 11-902(d) of the District of Columbia Code is amended by striking out "\$28,000" and "\$27,500" and inserting in lieu thereof "\$34,500" and "\$34,000", respectively.

(c) The first sentence of the second paragraph of section 2 of the District of Columbia Revenue Act of 1937, as amended (D.C. Code, sec. 47-2402), is amended by striking out "\$27,500" and inserting in lieu thereof "\$34,000". D.C. Board of
Tax Appeals.

SEC. 7. The third sentence of subsection (b) of the first section of the Act of August 25, 1958, as amended (3 U.S.C. 102 note), is amended by striking out "\$80,000" and inserting in lieu thereof "\$96,000". Former U.S.
Presidents'
staffs.
81 Stat. 642.

SEC. 8. Section 5545(c) (2) of title 5, United States Code, is amended to read as follows: Premium pay.
80 Stat. 487;
81 Stat. 200,
638.

"(2) an employee in a position in which the hours of duty cannot be controlled administratively, and which requires substantial amounts of irregular, unscheduled, overtime duty with the employee generally being responsible for recognizing, without supervision, circumstances which require him to remain on duty, shall receive premium pay for this duty on an annual basis instead of premium pay provided by other provisions of this subchapter, except for regularly scheduled overtime, night, and Sunday duty, and for holiday duty. Premium pay under this paragraph is determined as an appropriate percentage, not less than 10 per centum nor more than 25 per centum, of such part of the rate of basic pay for the position as does not exceed the minimum rate of basic pay for GS-10, by taking into consideration the frequency and duration of irregular unscheduled overtime duty required in the position." Percentage
rate.

SEC. 9. (a) Sections 1 to 6, inclusive, of this Act shall become effective on the first day of the first pay period which begins on or after December 27, 1969. Effective
dates.

(b) This section and sections 7 and 8 of this Act shall become effective on the date of enactment of this Act.

(c) For purposes of determining the amount of insurance for which an individual is eligible under chapter 87 of title 5, United States Code, relating to group life insurance for Government employees, all changes in rates of pay, compensation, and salary which result from the enactment of this Act shall be held and considered to become effective as of the date of such enactment. Life insur-
ance.
80 Stat. 592.

Retirement
deductions and
contributions.

(d) Any deduction to be made as the result of the enactment of this Act from the pay, compensation, or salary of an officer or employee enrolled in a retirement system of the United States Government, and the contribution of the agency employing the officer or employee, shall be made at the rates of deductions and contributions in effect for that system on the date of such enactment.

Approved April 15, 1970.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 91-992 accompanying H.R. 16844 (Comm. on Post Office & Civil Service).

SENATE REPORT No. 91-763 (Comm. on Post Office & Civil Service).

CONGRESSIONAL RECORD, Vol. 116 (1970):

Apr. 8, considered and passed Senate.

Apr. 9, considered and passed House, amended, in lieu of H.R. 16844.

Apr. 9, Senate concurred in House amendment with amendments.

Apr. 13, considered in House.

Apr. 14, House concurred in Senate amendments.